

Bill No. SB 410

Barcode 450576

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (King) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 856.015, Florida Statutes, is amended to read:

856.015 ~~Open~~ House parties.--

(1) Definitions.--As used in this section:

(a) "Alcoholic beverage" means distilled spirits and any beverage containing 0.5 percent or more alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with the provisions of s. 561.01(4)(b).

(b) "Control" means the authority or ability to regulate, direct, or dominate.

(c) "Drug" means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03.

(d) "Underage person" ~~"Minor"~~ means an individual not legally permitted by reason of age to possess alcoholic

Bill No. SB 410

Barcode 450576

1 beverages under ~~pursuant to~~ chapter 562.

2 (e) "~~Open~~ House party" means a social gathering at a  
3 residence.

4 (f) "Person" means an individual 18 years of age or  
5 older.

6 (g) "Residence" means a home, apartment, condominium,  
7 or other dwelling unit.

8 (2) A ~~No~~ person having control of any residence may  
9 not ~~shall~~ allow a ~~an open~~ house party to take place at the  
10 ~~said~~ residence if any alcoholic beverage or drug is possessed  
11 or consumed at the ~~said~~ residence by an underage person when  
12 ~~any minor where~~ the person having control knows that an  
13 alcoholic beverage or drug is in the possession of or being  
14 consumed by an underage person ~~a minor~~ at the ~~said~~ residence  
15 and when ~~where~~ the person having control fails to take  
16 reasonable steps to prevent the possession or consumption of  
17 the alcoholic beverage or drug. Reasonable steps to prevent  
18 such possession or consumption means taking at least one of  
19 the following steps:

20 (a) Notifying the appropriate law enforcement agency  
21 of the possession or consumption by an underage person;

22 (b) Terminating the house party;

23 (c) Notifying the underage person's parent or legal  
24 guardian of the possession or consumption;

25 (d) Upon becoming aware of an underage person's  
26 possession of an alcoholic beverage or drug and having no  
27 knowledge or belief that the underage person has consumed or  
28 used the alcoholic beverage or drug, directing the underage  
29 person to leave the premises;

30 (e) Requesting the underage person to relinquish  
31 possession of or to dispose of the alcoholic beverage or drug;

Bill No. SB 410

Barcode 450576

1       (f) Requesting the underage person to allow another  
2 person to transport him or her home; or

3       (g) Taking some other action or intervention that is  
4 appropriate to the circumstances under which the action or  
5 intervention takes place.

6       (3) ~~The provisions of~~ This section ~~does~~ shall not  
7 apply to the use of alcoholic beverages at legally protected  
8 religious observances or activities.

9       (4) A ~~Any~~ person who violates any of the provisions of  
10 subsection (2) commits a misdemeanor of the second degree,  
11 punishable as provided in s. 775.082 or s. 775.083. ~~However, a~~  
12 person who violates subsection (2) commits a felony of the  
13 third degree, punishable as provided in s. 775.082, s.  
14 775.083, or s. 775.084, if the use or possession of an  
15 alcoholic beverage or drug that the person allowed in  
16 violation of subsection (2) was the direct or proximate cause  
17 of death or serious bodily injury and the violator:

18       (a) Knowingly and intentionally provided the alcoholic  
19 beverage or drug to an underage person; or

20       (b) Failed to take reasonable steps to prevent the  
21 possession or use of the alcoholic beverage or drug by an  
22 underage person after an underage person consumed or used the  
23 alcoholic beverage or drug in an open and conspicuous manner.

24       (5) A person who violates subsection (2) is liable,  
25 based upon his or degree of fault as apportioned under the  
26 standards established in s. 768.81(3), for the death, serious  
27 bodily injury, or damage directly caused by, or which is the  
28 proximate cause of, the possession or consumption of alcoholic  
29 beverages or drugs by an underage person at a house party.

30       Section 2. This act shall take effect July 1, 2007.

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Bill No. SB 410

Barcode 450576

1 ===== T I T L E   A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

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5 and insert:

6                           A bill to be entitled

7           An act relating to house parties; amending s.

8           856.015, F.S.; revising definitions; providing

9           criteria concerning what action is deemed a

10          reasonable step to prevent possession or

11          consumption of alcoholic beverages or drugs by

12          an underage person; providing that allowing an

13          house party in circumstances involving death or

14          serious injury after knowledge of the

15          possession or consumption of alcoholic

16          beverages or drugs by an underage person and

17          failure to prevent such possession or

18          consumption is a third-degree felony; providing

19          for criminal penalties; providing that a person

20          is liable for death, serious bodily injury, or

21          damage under certain circumstances concerning

22          the unlawful possession or consumption of

23          alcoholic beverages or drugs at a house party;

24          providing for apportionment of damages;

25          providing an effective date.

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