

By Senator Posey

24-405-07

1 A bill to be entitled
2 An act relating to open house parties; amending
3 s. 856.015, F.S.; increasing the penalty for
4 allowing an open house party to take place
5 which involves knowledge of the possession or
6 consumption of alcoholic beverages or drugs by
7 a minor and failure to prevent such possession
8 or consumption; providing that a person is
9 liable for any injury or damage caused by or
10 resulting from the unlawful possession or
11 consumption of alcoholic beverages or drugs at
12 an open house party; providing an effective
13 date.
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15 Be It Enacted by the Legislature of the State of Florida:

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

19 856.015 Open house parties.--

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

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

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

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

29 (d) "Minor" means an individual not legally permitted
30 by reason of age to possess alcoholic beverages under ~~pursuant~~
31 ~~to~~ chapter 562.

1 (e) "Open house party" means a social gathering at a
2 residence.

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

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

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

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

19 (4) Any person who violates any of the provisions of
20 subsection (2) commits a felony ~~misdemeanor~~ of the third
21 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
22 775.083, or s. 775.084.

23 (5) A person who violates subsection (2) is liable for
24 any injury or damage caused by or resulting from the
25 possession or consumption of alcoholic beverages or drugs at
26 an open house party.

27 Section 2. This act shall take effect July 1, 2007.
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SENATE SUMMARY

Provides that a person who violates the open house party statute commits a felony of the third degree. Provides that a person who violates the open house party statute is liable for any injury or damage caused by or resulting from the possession or consumption of alcoholic beverages or drugs at an open house party.