

By Senator Posey

24-03725-08

20082034__

1 A bill to be entitled

2 An act relating to open house parties; amending s. 856.015
3 F.S.; redefining the term "residence" to include a hotel
4 room; providing that a person who has control of a
5 residence and who allows an open house party in the
6 residence may be liable for injury or damage caused as a
7 result of the open house party; increasing the penalty for
8 a first offense for serving an alcoholic beverage or drugs
9 to a minor from a misdemeanor of the second degree to a
10 misdemeanor of the first degree; providing that if a
11 person serves an alcoholic beverage or drugs to a minor at
12 an open house party a second or subsequent time, the
13 person commits a felony of the third degree; providing
14 criminal penalties; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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

20 856.015 Open house parties.--

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

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

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

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

24-03725-08

20082034__

30 (d) "Minor" means an individual not legally permitted by
31 reason of age to possess alcoholic beverages pursuant to chapter
32 562.

33 (e) "Open house party" means a social gathering at a
34 residence.

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

36 (g) "Residence" means a home, apartment, condominium, hotel
37 room, or other dwelling unit.

38 (2) A ~~No~~ person having control of any residence may not
39 ~~shall~~ allow an open house party to take place at the said
40 residence if any alcoholic beverage or drug is possessed or
41 consumed at the said residence by any minor when ~~where~~ the person
42 knows that an alcoholic beverage or drug is in the possession of
43 or being consumed by a minor at the said residence and when ~~where~~
44 the person fails to take reasonable steps to prevent the
45 possession or consumption of the alcoholic beverage or drug.

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

49 (4) A person who violates subsection (2) may be liable for
50 injury or damage caused by or resulting from the possession or
51 consumption of alcoholic beverages or drugs at an open house
52 party.

53 (5)(4) A ~~Any~~ person who violates ~~any of the provisions of~~
54 subsection (2) commits a misdemeanor of the first ~~second~~ degree,
55 punishable as provided in s. 775.082 or s. 775.083. A person who
56 violates subsection (2) a second or subsequent time commits a
57 felony of the third degree, punishable as provided in s. 775.082,
58 s. 775.083, or s. 775.084.

24-03725-08

20082034__

59

Section 2. This act shall take effect July 1, 2008.