

By the Committee on Criminal Justice; and Senator Altman

591-03788-11

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1                   A bill to be entitled  
2           An act relating to open house parties; amending s.  
3           856.015, F.S.; providing that a person who violates  
4           the open house party statute a second or subsequent  
5           time commits a misdemeanor of the first degree;  
6           providing that a person commits a misdemeanor of the  
7           first degree if the violation of the open house party  
8           statute causes or contributes to causing serious  
9           bodily injury or death to the minor, or causes or  
10          contributes to causing serious bodily injury or death  
11          to another person as a result of the minor's  
12          consumption of alcohol or drugs at the open house  
13          party; providing criminal penalties; providing an  
14          effective date.

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

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18           Section 1. Subsections (2) and (4) of section 856.015,  
19           Florida Statutes, are amended, and subsection (5) is added to  
20           that section, to read:

21           856.015 Open house parties.—

22           (2) A ~~No~~ person having control of any residence may not  
23 ~~shall~~ allow an open house party to take place at the said  
24 residence if any alcoholic beverage or drug is possessed or  
25 consumed at the said residence by any minor where the person  
26 knows that an alcoholic beverage or drug is in the possession of  
27 or being consumed by a minor at the said residence and where the  
28 person fails to take reasonable steps to prevent the possession  
29 or consumption of the alcoholic beverage or drug.

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30 (4) Any person who violates any of the provisions of  
31 subsection (2) commits a misdemeanor of the second degree,  
32 punishable as provided in s. 775.082 or s. 775.083. A person who  
33 violates subsection (2) a second or subsequent time commits a  
34 misdemeanor of the first degree, punishable as provided in s.  
35 775.082 or s. 775.083.

36 (5) If a violation of subsection (2) causes or contributes  
37 to causing serious bodily injury, as defined in s. 316.1933, or  
38 death to the minor, or if the minor causes or contributes to  
39 causing serious bodily injury or death to another as a result of  
40 the minor's consumption of alcohol or drugs at the open house  
41 party, the violation is a misdemeanor of the first degree,  
42 punishable as provided in s. 775.082 or s. 775.083.

43 Section 2. This act shall take effect July 1, 2011.