

By Senator Bennett

21-00518-12

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1 A bill to be entitled
2 An act relating to open parties; amending s. 856.015,
3 F.S.; revising definitions to apply the restrictions
4 formerly applicable to open house parties to all open
5 parties, not solely those parties occurring in a
6 residence; prohibiting a person from allowing an open
7 party to take place on premises under his or her
8 control if the person knows that an alcoholic beverage
9 or drug is in the possession of or being consumed by a
10 minor on the premises; prohibiting a person from
11 providing an alcoholic beverage or drug to a minor at
12 an open party; providing criminal penalties; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 856.015, Florida Statutes, is amended to
18 read:

19 856.015 Open ~~house~~ parties.—

20 (1) Definitions.—As used in this section, the term:

21 (a) "Alcoholic beverage" means distilled spirits and any
22 beverage containing 0.5 percent or more alcohol by volume. The
23 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 regulate,
26 direct, or dominate.

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

29 (d) "Minor" means an individual not legally permitted by

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30 reason of age to possess alcoholic beverages pursuant to chapter
31 562.

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

34 (f) "Person" means an individual 18 years of age or older
35 having control of the premises where an open party is held.

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

38 (2) A person ~~having control of any residence~~ may not allow
39 an open ~~house~~ party to take place on premises under his or her
40 control ~~at the residence~~ if any alcoholic beverage or drug is
41 possessed or consumed ~~at the residence~~ by any minor, where the
42 person knows that an alcoholic beverage or drug is in the
43 possession of or being consumed by a minor, at the residence and
44 ~~where~~ the person fails to take reasonable steps to prevent the
45 possession or consumption of the alcoholic beverage or drug.

46 (3) A person may not provide an alcoholic beverage or drug
47 to a minor at an open party.

48 (4) ~~(3)~~ The ~~provisions of~~ This section does ~~shall~~ not apply
49 to the use of alcoholic beverages at legally protected religious
50 observances or activities.

51 (5) ~~(4)~~ A Any person who violates ~~any of the provisions of~~
52 subsection (2) commits a misdemeanor of the second degree,
53 punishable as provided in s. 775.082 or s. 775.083. A person who
54 violates subsection (2) a second or subsequent time commits a
55 misdemeanor of the first degree, punishable as provided in s.
56 775.082 or s. 775.083.

57 (6) ~~(5)~~ If a violation of subsection (2) causes or
58 contributes to causing serious bodily injury, as defined in s.

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59 316.1933, or death to the minor, or if the minor causes or
60 contributes to causing serious bodily injury or death to another
61 as a result of the minor's consumption of alcohol or drugs at
62 the open ~~house~~ party, the violation is a misdemeanor of the
63 first degree, punishable as provided in s. 775.082 or s.
64 775.083.

65 Section 2. This act shall take effect July 1, 2012.