

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Pilon offered the following:

4
 5 **Amendment**

6 Remove everything after the enacting clause and insert:

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

9 856.015 Open ~~house~~ parties.—

10 (1) Definitions.—As used in this section:

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

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

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

19 (d) "Minor" means an individual not legally permitted by
 20 reason of age to possess alcoholic beverages pursuant to chapter

Amendment No. 1

21 562.

22 (e) "Open ~~house~~ party" means a social gathering at any
23 property ~~a residence~~.

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

25 (g) "Property" means a residence, vacant structure, or
26 open acreage with or without a structure.

27 (h) ~~(g)~~ "Residence" means a home, apartment, condominium,
28 or other dwelling unit.

29 (2) A person having control of any property ~~residence~~ may
30 not allow an open ~~house~~ party to take place at the property
31 ~~residence~~ if any alcoholic beverage or drug is possessed or
32 consumed at the property ~~residence~~ by any minor where the person
33 knows that an alcoholic beverage or drug is in the possession of
34 or being consumed by a minor at the property ~~residence~~ and where
35 the person fails to take reasonable steps to prevent the
36 possession or consumption of the alcoholic beverage or drug.

37 (3) ~~The provisions of~~ This section does ~~shall~~ not apply to
38 the use of alcoholic beverages at legally protected religious
39 observances or activities or to the use of alcoholic beverages
40 on property where a parent or legal guardian accompanying their
41 minor child allows such use by their child.

42 (4) Any person who violates ~~any of the provisions of~~
43 subsection (2) commits a misdemeanor of the second degree,
44 punishable as provided in s. 775.082 or s. 775.083. A person who
45 violates subsection (2) a second or subsequent time commits a
46 misdemeanor of the first degree, punishable as provided in s.
47 775.082 or s. 775.083.

48 (5) If a violation of subsection (2) causes or contributes

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5 (2013)

Amendment No. 1

49 to causing serious bodily injury, as defined in s. 316.1933, or
50 death to the minor, or if the minor causes or contributes to
51 causing serious bodily injury or death to another as a result of
52 the minor's consumption of alcohol or drugs at the open ~~house~~
53 party, the violation is a misdemeanor of the first degree,
54 punishable as provided in s. 775.082 or s. 775.083.

55 Section 2. This act shall take effect October 1, 2013.

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