

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 and not solely those parties occurring in a  
 6 residence; prohibiting a person from allowing an open  
 7 party to take place; providing criminal penalties;  
 8 revising an exemption; conforming provisions;  
 9 providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 856.015, Florida Statutes, is amended  
 14 to read:

15 856.015 Open ~~house~~ parties.—

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

17 (a) "Adult" means an individual legally permitted by  
 18 reason of age to possess alcoholic beverages pursuant to chapter  
 19 562.

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

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

26 (d)~~(e)~~ "Drug" means a controlled substance, ~~as that term~~  
 27 ~~is~~ defined in ss. 893.02(4) and 893.03.

28 (e)~~(d)~~ "Minor" means an individual not legally permitted

29 | by reason of age to possess alcoholic beverages pursuant to  
 30 | chapter 562.

31 |       ~~(f)(e)~~ "Open ~~house~~ party" means a social gathering at any  
 32 | property ~~a residence~~.

33 |       ~~(g)(f)~~ "Person" means an individual 18 years of age or  
 34 | older.

35 |       (h) "Property" means a residence, vacant property, or open  
 36 | acreage with or without a structure.

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

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

47 |       (3) ~~The provisions of~~ This section does ~~shall~~ not apply to  
 48 | the use of alcoholic beverages at legally protected religious  
 49 | observances or activities or at a restaurant or bar where a  
 50 | parent or adult accompanying a minor allows consumption by the  
 51 | minor.

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

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57 | 775.082 or s. 775.083.

58 |       (5) If a violation of subsection (2) causes or contributes  
59 | to causing serious bodily injury, as defined in s. 316.1933, or  
60 | death to the minor, or if the minor causes or contributes to  
61 | causing serious bodily injury or death to another as a result of  
62 | the minor's consumption of alcohol or drugs at the open ~~house~~  
63 | party, the violation is a misdemeanor of the first degree,  
64 | punishable as provided in s. 775.082 or s. 775.083.

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