

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

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

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

25 (d) "Minor" means an individual not legally permitted by
 26 reason of age to possess alcoholic beverages pursuant to chapter
 27 562.

28 (e) "Open ~~house~~ party" means a social gathering at any

29 | property ~~a residence~~.

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

31 | (g) "Property" means a residence, vacant structure, or
 32 | open acreage with or without a structure.

33 | (h) ~~(g)~~ "Residence" means a home, apartment, condominium,
 34 | or other dwelling unit.

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

43 | (3) ~~The provisions of~~ This section does ~~shall~~ not apply to
 44 | the use of alcoholic beverages at legally protected religious
 45 | observances or activities or to the use of alcoholic beverages
 46 | on property where a minor child is accompanied by his or her
 47 | parent or legal guardian who allows such use by the child.

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

54 | (5) If a violation of subsection (2) causes or contributes
 55 | to causing serious bodily injury, as defined in s. 316.1933, or
 56 | death to the minor, or if the minor causes or contributes to

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57 | causing serious bodily injury or death to another as a result of
58 | the minor's consumption of alcohol or drugs at the open ~~house~~
59 | party, the violation is a misdemeanor of the first degree,
60 | punishable as provided in s. 775.082 or s. 775.083.

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