

By Senator Galvano

26-01025A-13

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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 prohibiting a person from
 4 allowing a party to take place if a minor is in
 5 possession of or consuming alcohol or drugs; revising
 6 an exemption; providing criminal penalties; conforming
 7 provisions; providing an effective date.

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

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 11 Section 1. Section 856.015, Florida Statutes, is amended to
 12 read:

13 856.015 Open ~~house~~ parties.—

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

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

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

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

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

26 ~~(e) "Open house party" means a social gathering at a~~
 27 ~~residence.~~

28 (e) ~~(f)~~ "Person" means an individual 18 years of age or
 29 older.

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30 (f) "Property" means a residence, vacant structure, or open
31 acreage with or without a structure.

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

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

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.

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

52 (5) If a violation of subsection (2) causes or contributes
53 to causing serious bodily injury, as defined in s. 316.1933, or
54 death to the minor, or if the minor causes or contributes to
55 causing serious bodily injury or death to another as a result of
56 the minor's consumption of alcohol or drugs at the open ~~house~~
57 party, the violation is a misdemeanor of the first degree,
58 punishable as provided in s. 775.082 or s. 775.083.

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Section 2. This act shall take effect July 1, 2013.