

By the Committee on Regulated Industries; and Senator Galvano

580-02034-13

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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 lawfully at the  
40 property, residence and ~~where~~ the person fails to take  
41 reasonable steps to prevent the possession or consumption of the  
42 alcoholic beverage 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.