

1                   A bill to be entitled  
2           An act relating to alcoholic beverages; amending s.  
3           768.125, F.S.; specifying that persons who knowingly  
4           furnish an alcoholic beverage to a visibly intoxicated  
5           person are liable for injury or damage caused by the  
6           intoxication of that person; specifying that persons  
7           who knowingly furnish an alcoholic beverage to a minor  
8           without having made reasonable inquiries such as  
9           checking identification documents are liable for  
10          injury or damage caused by or resulting from  
11          furnishing the alcoholic beverage; specifying that  
12          persons who furnish an alcoholic beverage to a person  
13          habitually addicted to alcoholic beverages are liable  
14          for injury or damage caused by or resulting from  
15          furnishing the alcoholic beverages; providing that the  
16          failure of persons to check specified identification  
17          documents of a minor to whom an alcoholic beverage is  
18          furnished creates a rebuttable presumption such  
19          persons knowingly sold the alcoholic beverage;  
20          authorizing the rebuttal of such presumption under  
21          certain conditions; amending s. 856.015, F.S.;  
22          revising and providing definitions; specifying that  
23          certain property owners who allow minors to possess  
24          and consume alcoholic beverages or drugs on the  
25          property commit a misdemeanor; specifying that certain

26 property owners are liable for damage or injury  
 27 occurring as a result of allowing certain minors to  
 28 possess or consume alcoholic beverages or drugs at an  
 29 open party; providing an effective date.

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

32

33 Section 1. Section 768.125, Florida Statutes, is amended  
 34 to read:

35 768.125 Liability for injury or damage resulting from  
 36 intoxication.—

37 (1) (a) A person who knowingly ~~sells or~~ furnishes alcoholic  
 38 beverages to a person who is visibly intoxicated is of lawful  
 39 ~~drinking age shall not thereby become~~ liable for injury or  
 40 damage caused by or resulting from the furnishing of alcoholic  
 41 beverages to that person. ~~intoxication of such person, except~~  
 42 ~~that~~

43 (b) A person who knowingly willfully and unlawfully sells  
 44 ~~or~~ furnishes alcoholic beverages to a minor, as defined in s.  
 45 856.015, is liable for injury or damage caused by or resulting  
 46 from the furnishing of alcoholic beverages to the minor. ~~person~~  
 47 ~~who is not of lawful drinking age or~~

48 (c) A person who furnishes alcoholic beverages to who  
 49 ~~knowingly serves~~ a person habitually addicted to the use of any  
 50 ~~or all~~ alcoholic beverages is ~~may become~~ liable for injury or

51 damage caused by the furnishing of the alcoholic beverages to  
 52 that person ~~or resulting from the intoxication of such minor or~~  
 53 ~~person.~~

54 (2) For purposes of this section, the furnishing of an  
 55 alcoholic beverage to a minor creates a rebuttable presumption  
 56 that the alcoholic beverage was knowingly furnished to such  
 57 minor. The presumption may be rebutted by a showing that the  
 58 person who furnished the alcoholic beverage to the minor first  
 59 obtained proof of the minor's age by reviewing his or her:

- 60 (a) Driver license issued by a state of the United States;
- 61 (b) Identification card issued under s. 322.051;
- 62 (c) United States Uniformed Services identification card;
- 63 (d) Passport; or
- 64 (e) Other photographic identification issued by a state or  
 65 a political subdivision of a state.

66 Section 2. Section 856.015, Florida Statutes, is amended  
 67 to read:

68 856.015 Open ~~house~~ parties.—

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

70 (a) "Alcoholic beverage" means distilled spirits and any  
 71 beverage containing 0.5 percent or more alcohol by volume. The  
 72 percentage of alcohol by volume shall be determined in  
 73 accordance with the provisions of s. 561.01(4)(b).

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

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

78 (d) "Minor" means an individual not legally permitted by  
79 reason of age to possess alcoholic beverages pursuant to chapter  
80 562.

81 (e) "Open ~~house~~ party" means a social gathering at a  
82 property residence.

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

84 (g) "Property" means a residence, vacant structure, or  
85 open acreage with or without a structure ~~"Residence" means a~~  
86 ~~home, apartment, condominium, or other dwelling unit.~~

87 (2) A person who controls a property, has actual knowledge  
88 ~~having control of any residence may not allow an open house~~  
89 ~~party to take place at the residence if any alcoholic beverage~~  
90 ~~or drug is possessed or consumed at the residence by any minor~~  
91 ~~where the person knows that an alcoholic beverage or drug is in~~  
92 ~~the possession of or being consumed by a minor~~ in or at the  
93 property, and residence and where the person fails to take  
94 reasonable steps to prevent the possession or consumption of the  
95 alcoholic beverage or drug by the minor commits a misdemeanor of  
96 the second degree, punishable as provided in s. 775.082 or s.  
97 775.083. A person who violates this subsection a second or  
98 subsequent time commits a misdemeanor of the first degree,  
99 punishable as provided in s. 775.082 or s. 775.083.

100 (3) ~~The provisions of~~ This section does ~~shall~~ not apply to

101 the use of alcoholic beverages at legally protected religious  
102 observances or activities.

103 ~~(4) Any person who violates any of the provisions of~~  
104 ~~subsection (2) commits a misdemeanor of the second degree,~~  
105 ~~punishable as provided in s. 775.082 or s. 775.083. A person who~~  
106 ~~violates subsection (2) a second or subsequent time commits a~~  
107 ~~misdemeanor of the first degree, punishable as provided in s.~~  
108 ~~775.082 or s. 775.083.~~

109 (4)~~(5)~~ If a violation of subsection (2) causes or  
110 contributes to causing serious bodily injury, as defined in s.  
111 316.1933, or death to the minor, or if the minor causes or  
112 contributes to causing serious bodily injury or death to another  
113 as a result of the minor's consumption of alcohol or drugs at  
114 the open ~~house~~ party, the violation is a misdemeanor of the  
115 first degree, punishable as provided in s. 775.082 or s.  
116 775.083.

117 (5) A person who violates subsection (2) is liable for any  
118 injury or damage caused by or resulting from the possession or  
119 consumption of alcoholic beverages or drugs at an open party.

120 Section 3. This act shall take effect July 1, 2017.