

# CHAPTER 2002-60

## House Bill No. 219

An act relating to open house parties; amending s. 856.015, F.S.; revising definitions; prohibiting persons age 18 or older from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by a minor; providing a penalty; providing an effective date.

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

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

856.015 Open house parties.—

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

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

~~(b)~~(c) “Control” means the authority or ability to regulate, direct, or dominate.

~~(c)~~(d) “Drug” means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03.

~~(d)~~(e) “Minor” means an individual ~~a person~~ not legally permitted by reason of age to possess alcoholic beverages pursuant to chapter 562.

~~(e)~~(f) “Open house party” means a social gathering at a residence.

~~(f)~~(a) “Person Adult” means an individual 18 years of age or older ~~a person not legally prohibited by reason of age from possessing alcoholic beverages pursuant to chapter 562.~~

(g) “Residence” means a home, apartment, condominium, or other dwelling unit.

(2) No person adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the person adult knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at said residence and where the person adult fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

(3) The provisions of this section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.

(4) Any person who violates any of the provisions of subsection (2) commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect July 1, 2002.

Approved by the Governor April 22, 2002.

Filed in Office Secretary of State April 22, 2002.