

CHAPTER 2011-161

Committee Substitute for House Bill No. 105

An act relating to open house parties; amending s. 856.015, F.S.; providing that a person who violates the open house party statute a second or subsequent time commits a misdemeanor of the first degree; providing that a person commits a misdemeanor of the first degree if the violation of the open house party statute causes or contributes to causing serious bodily injury or death to the minor, or causes or contributes to causing serious bodily injury or death to another person as a result of the minor's consumption of alcohol or drugs at the open house party; providing criminal penalties; providing an effective date.

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

Section 1. Subsections (2) and (4) of section 856.015, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

856.015 Open house parties.—

(2) ~~A No~~ person having control of any residence ~~may not shall~~ allow an open house party to take place at the said residence if any alcoholic beverage or drug is possessed or consumed at the said residence by any minor where the person knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at the said residence and where the person fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

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

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

Section 2. This act shall take effect July 1, 2011.

Approved by the Governor June 17, 2011.

Filed in Office Secretary of State June 17, 2011.