

By Senator Rouson

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1                   A bill to be entitled  
2       An act relating to drugs and alcohol; amending s.  
3       768.125, F.S.; providing that a person who knowingly  
4       furnishes alcoholic beverages to a person who is  
5       visibly intoxicated is liable for injury or damage  
6       caused by or resulting from the furnishing of  
7       alcoholic beverages to such person; providing that a  
8       person who knowingly furnishes alcoholic beverages to  
9       a minor is liable for injury or damage caused by or  
10      resulting from the furnishing of alcoholic beverages  
11      to the minor; providing that a person who furnishes  
12      alcoholic beverages to a person habitually addicted to  
13      the use of alcoholic beverages is liable for injury or  
14      damage caused by or resulting from the furnishing of  
15      alcoholic beverages to such person; providing that the  
16      furnishing of an alcoholic beverage to a minor creates  
17      a rebuttable presumption that the alcoholic beverage  
18      was knowingly furnished to such minor; providing that  
19      the presumption may be rebutted by a showing that the  
20      person who furnished the alcoholic beverage to the  
21      minor first obtained proof of the minor's age by  
22      reviewing a specified document; amending s. 856.015,  
23      F.S.; defining the terms "open party" and "property";  
24      deleting the definition of the term "residence";  
25      providing a criminal penalty for a person who controls  
26      a property, has actual knowledge that an alcoholic  
27      beverage or drug is in the possession of or being  
28      consumed by a minor in or at the property, and fails  
29      to take reasonable steps to prevent the possession or

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30 consumption of the alcoholic beverage or drug by the  
31 minor and for second or subsequent violations;  
32 providing that such a person is liable for any injury  
33 or damage caused by or resulting from the possession  
34 or consumption of alcoholic beverages or drugs at an  
35 open party; conforming provisions to changes made by  
36 the act; providing an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 768.125, Florida Statutes, is amended to  
41 read:

42 768.125 Liability for injury or damage resulting from  
43 intoxication.—

44 (1) (a) Any A person who knowingly sells or furnishes  
45 alcoholic beverages to a person who is visibly intoxicated is ~~of~~  
46 ~~lawful drinking age shall not thereby become~~ liable for injury  
47 or damage caused by or resulting from the furnishing of  
48 alcoholic beverages to the intoxication of such person., ~~except~~  
49 ~~that~~

50 (b) Any A person who willfully and unlawfully sells or  
51 knowingly furnishes alcoholic beverages to a minor as defined in  
52 s. 856.015 is liable for injury or damage caused by or resulting  
53 from the furnishing of alcoholic beverages to the minor. ~~person~~  
54 ~~who is not of lawful drinking age or~~

55 (c) Any person who furnishes alcoholic beverages to ~~who~~  
56 ~~knowingly serves~~ a person habitually addicted to the use of ~~any~~  
57 ~~or all~~ alcoholic beverages is ~~may become~~ liable for injury or  
58 damage caused by or resulting from the furnishing of alcoholic

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59 beverages to ~~the intoxication of~~ such ~~minor or~~ person.

60 (2) For purposes of this section, the furnishing of an  
 61 alcoholic beverage to a minor creates a rebuttable presumption  
 62 that the alcoholic beverage was knowingly furnished to such  
 63 minor. The presumption may be rebutted by a showing that the  
 64 person who furnished the alcoholic beverage to the minor first  
 65 obtained proof of the minor's age by reviewing his or her:

- 66 (a) Driver license issued by a state of the United States;
- 67 (b) Identification card issued pursuant to s. 322.051;
- 68 (c) United States Uniformed Services identification card;
- 69 (d) Passport; or
- 70 (e) Other photographic identification issued by a state or  
 71 a political subdivision of a state.

72 Section 2. Section 856.015, Florida Statutes, is amended to  
 73 read

74 856.015 Open ~~house~~ parties.—

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

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

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

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

84 (d) "Minor" means an individual not legally permitted by  
 85 reason of age to possess alcoholic beverages pursuant to chapter  
 86 562.

87 (e) "Open ~~house~~ party" means a social gathering at a

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88 property residence.

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

90 (g) "Property" means a residence, vacant structure, or open  
91 land with or without a structure ~~"Residence" means a home,~~  
92 ~~apartment, condominium, or other dwelling unit.~~

93 (2) Any A person who controls a property, has actual  
94 knowledge having control of any residence may not allow an open  
95 house party to take place at the residence if any alcoholic  
96 beverage or drug is possessed or consumed at the residence by  
97 any minor where the person knows that an alcoholic beverage or  
98 drug is in the possession of or being consumed by a minor in or  
99 at the property, and residence and where the person fails to  
100 take reasonable steps to prevent the possession or consumption  
101 of the alcoholic beverage or drug by the minor commits a  
102 misdemeanor of the second degree, punishable as provided in s.  
103 775.082 or s. 775.083. A person who violates this subsection a  
104 second or subsequent time commits a misdemeanor of the first  
105 degree, punishable as provided in s. 775.082 or s. 775.083.

106 (3) ~~The provisions of~~ This section does ~~shall~~ not apply to  
107 the use of alcoholic beverages at legally protected religious  
108 observances or activities.

109 ~~(4) Any person who violates any of the provisions of~~  
110 ~~subsection (2) commits a misdemeanor of the second degree,~~  
111 ~~punishable as provided in s. 775.082 or s. 775.083. A person who~~  
112 ~~violates subsection (2) a second or subsequent time commits a~~  
113 ~~misdemeanor of the first degree, punishable as provided in s.~~  
114 ~~775.082 or s. 775.083.~~

115 (4)-(5) If a violation of subsection (2) causes or  
116 contributes to causing serious bodily injury, as defined in s.

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117 316.1933, or death to the minor, or if the minor causes or  
118 contributes to causing serious bodily injury or death to another  
119 as a result of the minor's consumption of alcohol or drugs at  
120 the open ~~house~~ party, the violation is a misdemeanor of the  
121 first degree, punishable as provided in s. 775.082 or s.  
122 775.083.

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

126 Section 3. This act shall take effect October 1, 2017.