

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Pilon offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

856.015 Responsibility for drug or alcohol possession or use by minors ~~Open house parties.~~

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

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

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

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

18 (d) "Minor" means an individual not legally permitted by  
19 reason of age to possess alcoholic beverages pursuant to chapter  
20 562.

21 ~~(e) "Open house party" means a social gathering at a  
22 residence.~~

23 (e) ~~(f)~~ "Person" means an individual 18 years of age or  
24 older.

25 (f) "Property" means a residence, vacant structure, or  
26 open acreage with or without a structure.

27 ~~(g) "Residence" means a home, apartment, condominium, or  
28 other dwelling unit.~~

29 (2) A person who has having control of any property and  
30 who has actual knowledge ~~residence may not allow an open house~~  
31 ~~party to take place at the residence if any alcoholic beverage~~  
32 ~~or drug is possessed or consumed at the residence by any minor~~  
33 ~~where the person knows~~ that an alcoholic beverage or drug is in  
34 the possession of or being consumed by a minor, lawfully at the  
35 property, residence and ~~where~~ the person fails to take  
36 reasonable steps to prevent the possession or consumption of the  
37 alcoholic beverage or drug commits a violation of this section.

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

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

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44 violates subsection (2) a second or subsequent time commits a  
45 misdemeanor of the first degree, punishable as provided in s.  
46 775.082 or s. 775.083.

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

54 Section 2. This act shall take effect July 1, 2013.

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57 **T I T L E A M E N D M E N T**

58 Remove everything before the enacting clause and insert:

59 A bill to be entitled

60 An act relating to prevention of drug and alcohol  
61 possession and consumption by minors; amending s.  
62 856.015, F.S.; revising definitions to apply the  
63 restrictions formerly applicable to open house parties  
64 to any property; prohibiting a person who has actual  
65 knowledge that an alcoholic beverage or drug is in the  
66 possession of or being consumed by certain minors from  
67 failing to take reasonable steps to prevent the  
68 possession or consumption of the alcoholic beverage or  
69 drug; providing criminal penalties; conforming  
70 provisions; providing an effective date.