

By Senator Silver

38-244B-98

1                                   A bill to be entitled  
2           An act relating to the Beverage Law; providing  
3           an exemption for giving or serving to certain  
4           underage students alcoholic beverages that are  
5           delivered as part of a required curriculum at  
6           an accredited college; providing an exemption  
7           for the possession of alcoholic beverages by  
8           underage students in specified circumstances;  
9           establishing a beverage instructional license,  
10          to be granted by the Department of Business and  
11          Professional Regulation; providing for  
12          rulemaking relating to such licenses; providing  
13          an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Subsection (4) is added to section 562.11,  
18 Florida Statutes, to read:

19           562.11 Selling, giving, or serving alcoholic beverages  
20 to person under age 21; misrepresenting or misstating age or  
21 age of another to induce licensee to serve alcoholic beverages  
22 to person under 21; penalties.--

23           (4)(a) This section does not apply to a person who  
24 gives, serves, or permits to be served an alcoholic beverage  
25 to a student who is over 17 years of age, if the alcoholic  
26 beverage is delivered as part of the student's required  
27 curriculum at a college that offers at least a baccalaureate  
28 degree, is in possession of a beverage instructional license,  
29 and is accredited by one of the six regional accreditation  
30 boards recognized by the Department of Education, and if the  
31 student is enrolled in the college and is required to taste or

1 imbibe alcoholic beverages that are provided only for  
2 instructional purposes during classes conducted under the  
3 supervision of authorized instructional personnel pursuant to  
4 such a curriculum.

5 (b) In order to qualify for an exemption under  
6 paragraph (a), a college must have a beverage instructional  
7 license. The Department of Business and Professional  
8 Regulation may issue beverage instructional licenses and shall  
9 adopt reasonable rules necessary for governing the issuance of  
10 such licenses and for carrying out the purposes of this  
11 subsection. These rules must include, but need not be limited  
12 to, provisions for appropriate liability insurance and for the  
13 indemnification of this state.

14 Section 2. Present subsection (2) of section 562.111,  
15 Florida Statutes, is redesignated as subsection (3), and a new  
16 subsection (2) is added to that section, to read:

17 562.111 Possession of alcoholic beverages by persons  
18 under age 21 prohibited.--

19 (2) The prohibition against the possession of  
20 alcoholic beverages which is set forth in this section does  
21 not apply to the possession of alcoholic beverages by a  
22 student who is over 17 years of age, who is in possession of  
23 the alcoholic beverages as part of the student's required  
24 curriculum at a college that offers at least a baccalaureate  
25 degree, is in possession of a beverage instructional license  
26 granted in accordance with s. 562.11, and is accredited by one  
27 of the six regional accreditation boards recognized by the  
28 Department of Education, and who is enrolled in the college  
29 and is in possession of the alcoholic beverages only for  
30 instructional purposes during classes that are part of such a  
31 curriculum.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Section 3. This act shall take effect July 1, 1998.

\*\*\*\*\*

SENATE SUMMARY

Provides that neither the prohibition against serving alcoholic beverages to persons under age 21 nor the prohibition against possessing such beverages if one is under age 21 applies to certain students over the age of 17 who receive alcoholic beverages as part of their required curriculum at an accredited college. Provides for the Department of Business and Professional Regulation to grant beverage instructional licenses and to adopt rules pertaining to such licenses.