Open House Party Statute

Responsibility of Adults: No 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 adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.



Sec. 3-5. Possession, consumption of alcoholic beverages by minors at open house parties.

(a) Definitions: For purposes of this section, the following terms shall be defined as follows:

(1) Adult: A person not legally prohibited by reason of age from possessing alcoholic beverages pursuant to chapter 562, Florida Statutes, as the same may be amended from time to time.

(2) Alcoholic beverage: Distilled spirits and any beverage containing one-half (0.5) of one (1) percent or more alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with the provisions of section 561.01(4)(b), Florida Statutes, as the same may be amended from time to time.

(3) Control: The authority or ability to regulate, direct or dominate.

(4) Drug: "Controlled substance" as the term is defined in sections 893.02(4) and 893.03, Florida Statutes, as the same may be amended from time to time.

(5) Minor: A person not legally permitted by reason of age to possess alcoholic beverages pursuant to chapter 562, Florida Statutes, as the same may be amended from time to time.

(6) Open house party: A social gathering at a residence.

(7) Residence: A home, apartment, condominium or other dwelling unit.

(b) Responsibility of Adults: No 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 adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

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

(d) Penalties: The penalties for violation of this section are as specified in section 125.69, Florida Statutes, as amended.
(Ord. No. 87-24, §§ 1--4, 9-16-87)

The penalty is: second degree misdemeanor- up to $500 fine and/ or 60 days in jail.

Reporter- Channel 10. Walt Macaborski 354-2917 Spykes drink- prom awareness