

University of Florida Alcohol Policy 6C1-2.019

Introduction

The University of Florida is committed to the welfare of its students, staff, faculty and the surrounding community. When individuals misuse alcohol academic performance, health, personal relationships and safety are compromised. The University of Florida neither encourages nor condemns the legal consumption of alcoholic beverages, however, the university recognizes that the majority of undergraduate students are below the legal drinking age. The University of Florida supports the strict enforcement of Florida's liquor laws. No person may sell, furnish or give alcohol to any person under the age of 21.

Consequently, alcohol will be permitted at the University of Florida only in those settings which comply with state and federal law, municipal county ordinances and this policy, and in no way inhibit the full participation of those who choose not to drink alcohol.

The sale and/or service of alcohol on university property is subject to the approval of the president. This policy accurately reflects in an easier format the rules and procedures for the authorization of the sale and/or service of alcohol at the University of Florida, which for purposes of this rule includes all properties under its control and all fraternity and sorority houses. The Alcohol Rule 6C1-2.019 can be found on the web at <http://www.generalcounsel.ufl.edu/policies.htm>

Campus groups or organizations may establish their own procedures providing they are consistent with the guidelines of this policy.

Sale of Alcohol

Functions at which alcoholic beverages are sold shall include functions at which alcoholic beverages are served and for which:

- an admission fee is charged or
- cups are sold or
- tickets are sold or
- donations are collected by the group, or any of its members, sponsoring the function or
- cash or
- anything else of value

is exchanged for alcoholic beverages.

All state and local liquor licensing requirements must be complied with in order to sell alcohol on university property. Although the President may approve the sale of alcoholic beverages on campus, only the Division of Alcoholic Beverages and Tobacco can issue the license required to sell alcohol in the State of Florida. Alcoholic beverages are only authorized for sale by liquor licensees and limited to designated locations and conditions, including days and hours as directed by the indicated authority, or their designee:

Location

1. Orange & Brew in the J. Wayne Reitz Union and other areas that are designated for such use
2. Areas of the Curtis M. Phillips Center for the Performing Arts designated for such use

Permission Granting Authority

- Director of the J. Wayne Reitz Union
- Director of the Curtis M. Phillips Center

University of Florida Alcohol Policy 6C1-2.019

the Performing Arts designated for such use

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| 3. The University Golf Club and Touchdown Terrace | Director of Athletics |
| 4. Areas in Emerson Alumni Hall designated for such use | Vice President of Development and Alumni Affairs |
| 5. Other designated locations | Office of the President |

Whenever the management of any facility listed above conducts a reduced-price alcohol promotional event or allows for a period of time in which the prices of alcoholic beverages are reduced there shall be comparable reductions in the prices of non-alcoholic beverages.

Consumption and Possession

Alcoholic beverages may not be served or consumed:

1. In classrooms, laboratories, offices or outdoor areas of the campus.
2. At social events held in conjunction with an organization "rush" or any organized drive to recruit students on campus.

Serving for private consumption shall be permitted within the private rooms of and by individuals of legal drinking age residing in University housing or in fraternity and sorority houses when such serving, consumption or possessions is not in conjunction with a function held by a student group.

The service and consumption of alcoholic beverages is approved for designated events and locations as identified below. Anyone desiring to serve alcohol at a designated event, in a designated location, must obtain permission from the identified Permission Granting Authority. Permission will not be granted for events that are scheduled during normal business hours (8 am to 5 pm) unless approved by the President or his or her designee. A current list of such permits will be on file for inspection in the office of the Executive Assistant to the President and Director of Protocol during work hours. In addition, any event which will have student attendance will require the approval of the Dean of Students (www.dso.ufl.edu); student organizations must have the appropriate program permit from the Office of Student Activities (www.union.ufl.edu/sac).

Designated Locations

The service of alcohol at designated events has been approved for the following locations only:

<u>Location</u>	<u>Permission Granting Authority</u>
1. Those areas of J. Wayne Reitz Union designated for such use	Director of the J. Wayne Reitz Union
2. Curtis M. Phillips Center for the Performing Arts, the Baughman Center and the Friends of Music Room	Director of the Curtis M. Phillips Center
3. Samuel P. Harn Museum of Art	Director of Samuel P. Harn Museum of Art
4. Florida Museum of Natural History	Director of Florida Museum of Natural History
5. Emerson Alumni Hall and UF Foundation	Vice President of Development and Alumni Affairs

University of Florida Alcohol Policy 6C1-2.019

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| 6. Keene Center, Bruton-Geer Hall, Founders Gallery in the J. Hillis Miller Health Center, Rare Books and Special Collections in Smathers Library (East), TREEO Center, University Gallery | Office of the Provost or Office of the President |
| 7. University Golf Course, Touchdown Terrace, the Gator Room, University Women's Club, Ben Hill Griffin Stadium boxes, Bull Gator Level, Press Box Lounge, Champion Club Lounge, Suites Level 6 and Suites on Level 7. □□ | Director of Athletics |
| 9. Housing including Village Housing | Director of Housing |
| 10. Public meeting areas in University Housing during a function held by a student group(s) after registration of such function | Director of Housing |
| 11. Austin Carey Memorial Forest | Director of the School of Forest Resources and Conservation. |
| 12. Public meeting areas fraternity and sorority houses during a function held by a student group(s) after registration of such function under applicable sorority and fraternity policies. | Dean of Students |
| 13. Other locations as specifically approved and updated on the Office of the President web site, www.president.ufl.edu/ | Office of the President |

Supervision and Control Provisions

Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted under the provisions of this rule including the sale of alcoholic beverages referenced previously, shall abide by the following regulations when conducting the function. Additional guidelines for serving and consumption of alcoholic beverages may be established by the person or group holding the function.

1. Alcoholic beverages may not be served or consumed at any social event held in conjunction with an organized drive to recruit students on campus.
2. The person or group(s) holding the event must establish precautionary measures at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age, to persons who appear intoxicated or to persons known to be addicted to intoxicants.
3. At the function, a person (or persons) over the legal drinking age must be designated as the server(s). All alcoholic beverages to be served must be located so that access to them can be had only through the designated server(s). The server(s) may not consume alcoholic beverages.
4. Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
5. A sufficient amount of non-salty, non "snack" food must be available.

University of Florida Alcohol Policy 6C1-2.019

6. The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at a location, and the alcoholic beverages must be consumed within the designated location.
7. Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted.
8. Not allow any alcoholic beverages such as kegs or cases of beer to be provided as free awards, prizes or rewards to an individual(s) or group(s).
9. All announcement(s) or advertisement(s), including but not limited to flyer(s), notice(s), poster(s), banner(s), tee-shirt(s) and newspaper and radio announcement(s), concerning the function shall:
 - a. note the availability of non-alcoholic beverages as prominently as the availability of alcoholic beverages,
 - b. note that proper identification is required in order to be served or sold alcoholic beverages,
 - c. not make reference to the amount of alcoholic beverages, as, for example, the number of kegs of beer, available at the event, nor to any form of drinking contest nor use images of kegs, alcohol bottles or alcohol glasses.
 - d. not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success.
 - e. not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.
10. The Permission Granting Authority for any approved Location will notify the University Police Department (UPD) about functions where alcohol is served. The University Police Department will determine if a uniformed member of, or a substitute approved by the Chief of Police of the UPD, must be present during the function. In such cases, the UPD expense must be paid by the sponsoring group.

Sponsored Events and Alcohol Distributors

A person, group (or groups) may sponsor an activity involving a commercial distributor of alcoholic beverages (an entity manufacturing or selling alcoholic beverages at wholesale). Sponsors may involve licensed commercial retail distributors providing that all elements of the activity are consistent with the guidelines of this policy in addition to the following guidelines:

1. The group(s) sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.
2. Advertising and publicity must reflect sole sponsorship of the event as being that of the group.
3. Advertising or announcements (posters, banners, flyers, radio and newspaper advertisements, tee-shirts, promotional items, etc.) may reflect a commercial retail distributor's support, but not that of a specific alcohol brand, and must not indicate or convey sponsorship by the distributor.
4. Promotion of alcoholic beverage brands at the activity must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.
5. Alcoholic beverages, such as, kegs or cases of beer, shall not be provided as free awards, prizes or rewards, to individual(s) or groups.
6. Any exception to this policy must be approved by the President or his or her designee and must result from conflicting contractual provisions in University contracts with third parties concerning entertainment and sporting events.

Social Events Students

Any on campus function sponsored by a student or a student group (or groups) at which alcoholic beverages are sold or served, whether or not the function is open to the public may be held in those areas permitted under the provisions of this rule only after written approval is obtained for

University of Florida Alcohol Policy 6C1-2.019

such function. Written permission must be obtained from the Dean of Students Office and the permission granting authority for the location.

Such approved function shall be subject to all regulations set out in this University rule. Functions open to the public shall be defined as those functions which the general public has been invited, through oral, written, or printed announcement(s), advertisement(s) or invitation(s). In addition, student organizations functions open to the public must have the appropriate program permit from the Office of Student Activities.

Off-Campus Events

For events held off-campus, University organizations including student organizations are expected to obey applicable state laws and local ordinances. All organizations are encouraged to follow the Supervision and Control section of this policy at off campus events. (see Best Practices for On- or Off- Campus Sponsored Events)

Penalties

Any employee, student, student group, or guest of the university who is found to be in violation of the law or the university alcohol policy shall be subject to disciplinary action by the university and/or federal, state or local authorities.

Penalties for violations of this policy by a university employee may range from oral reprimand to termination of employment as provided for in Rules 6C1-1.007 (www.aa.ufl.edu/aa/Rules/1007.htm) and 6C1-3.047 (www.aa.ufl.edu/aa/Rules/3047.htm) of the Florida Administrative Code.

A student found responsible for a violation of the Student Conduct Code (www.dso.ufl.edu) will be subject to sanctions which may include one or more of the following penalties as provided in rule 6C1-4.0162 (www.aa.ufl.edu/aa/Rules/40162.htm) of the Florida Administrative Code, payment of damages, reprimand, conduct probation, suspension, or expulsion. Sanctions shall be commensurate with the offense and any aggravating and mitigating circumstances.

Registered student organizations are subject to disciplinary action by the university as it relates to violations of laws, ordinances, and university rules. Organizational sanctions for violations of this policy by student groups may range from written reprimand and official recognition thereof through revocation of registration or loss of permission to use or meet at campus facilities, or the right to exist at the university as provided for in rule 6C1-4.016(3) of the Florida Administrative Code.

University of Florida Alcohol Policy 6C1-2.019

Educational Resources and Support

Alcohol Resource Center

The University Alcohol and Other Drug Education and Policy Committee has extensive resources on its web site <http://www.ufsa.ufl.edu/ovp/alcohol>. Included are the policies, reports, archives of committee minutes and activities and a comprehensive listing of campus resources.

The Campus Alcohol & Drug Resource Center, a program of the Student Health Care Center at the University of Florida, seeks to promote an environment conducive to responsible decision-making concerning alcohol and other drug use or non-use by all members of the campus community. Its responsibilities and services include:

- Coordinating and facilitating prevention and education programming related to alcohol and/or other drug issues for the entire campus.
- Conducting presentations about alcohol and other drug education to classes, residence halls or student organizations.
- Supervising independent study and practicum opportunities on alcohol and other drug abuse.
- Providing general information, including pamphlets, posters, and CD ROMS, and videos on alcohol and other drug issues.
- Offering confidential individual/group screening assessments and referrals.
- Providing information on community resources.
- Providing information concerning legal responsibilities.
- Offering assistance with class projects.
- Conducting research and evaluation on campus alcohol and other drug use.

For more information or to schedule an appointment or workshop, contact the Campus Alcohol & Drug Resource Center at 302 Infirmary Building, Health Education Dept., Student Health Care Center, (352) 392-1161 ext. 4281 or <http://www.health.ufl.edu/shcc/cadrc.htm>.

Best Practices for Off-Campus Sponsored Events

Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted, including sales, shall abide by the following regulations when conducting the function. Additional guidelines for serving and consumption of alcoholic beverages may be established by the person or group holding the function.

1. Alcoholic beverages may not be served or consumed at any social event held in conjunction with an organized drive to recruit students on campus.
2. The person or group(s) holding the event must establish precautionary measures at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age, to persons who appear intoxicated or to persons known to be addicted to intoxicants.
3. At the function, a person (or persons) over the legal drinking age must be designated as the server(s). All alcoholic beverages to be served must be located so that access to them can be had only through the designated server(s). The server(s) may not consume alcoholic beverages.
4. Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
5. A sufficient amount of non-salty, non "snack" food must be available.

University of Florida Alcohol Policy 6C1-2.019

6. The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at that location, and the alcoholic beverages must be consumed within the designated location.
7. Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted.
8. The sponsoring group shall not allow any alcoholic beverages such as kegs or cases of beer to be provided as free awards, prizes or rewards to an individual(s) or group(s).
9. All announcement(s) or advertisement(s), including but not limited to flyer(s), notice(s), poster(s), banner(s), tee-shirt(s) and newspaper and radio announcement(s), concerning the function shall:
 - a. note the availability of non-alcoholic beverages as prominently as the availability of alcoholic beverages,
 - b. note that proper identification is required in order to be served or sold alcoholic beverages,
 - c. not make reference to the amount of alcoholic beverages, as, for example, the number of kegs of beer, available at the event, nor to any form of drinking contest.
 - d. not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success. Promotion of alcoholic beverage brands at the activity must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.
10. As appropriate, the sponsoring group should contact the local police jurisdiction about events where alcohol will be served. The local police department will determine if a uniformed member of, or a substitute approved by the police department, must be present during the function. In such cases, the police expense must be paid by the sponsoring group.

Faculty/Staff Entertaining

When faculty or staff entertain in their homes or in public establishments, the University of Florida expects all applicable laws and local ordinances to be obeyed. Caution should be exercised where alcohol can be misused in relationships of unequal power (for example, between supervisor and employee, faculty member and student, employee and job applicant, and between graduate assistant and student) causing the boundaries which normally exist between the professional role and the personal relationship to become blurred. Any activities which place emphasis on quantity and frequency of consumption of alcoholic beverages should be avoided. In no case should drinking be portrayed as a solution to personal or academic problems or as necessary to social or academic success.

State and Local Alcoholic Beverage Laws

The use of alcoholic beverages by members of the University of Florida Community is subject to the alcoholic beverage laws of the State of Florida and to local ordinances. Below are selected state statutes and city ordinances pertaining to alcoholic beverages with brief summaries.

State Regulation of Sales

Statute 561.422 -- Nonprofit civic organizations, temporary permits. Upon filing of an application with the Division of Alcoholic Beverages & Tobacco and payment of a fee of \$25, a permit may be issued authorizing a bona fide nonprofit civic organization to sell alcoholic beverages for consumption on the premises only, for a period not to exceed 3 days subject to any state law or municipal or county ordinances regulating the time for selling such beverages.

University of Florida Alcohol Policy 6C1-2.019

Statute 562.12 -- Beverages sold with improper license, or without a license or registration, or held with intent to sell prohibited.

Convicted violators of this statute shall be guilty of a misdemeanor of the second degree.

State Drinking Age

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

It is unlawful for any person to sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or to permit a person under 21 years of age to consume said beverages on the licensed premises.

It is unlawful for any person to misrepresent or mistake his or her age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve, or deliver any alcoholic beverage to a person under 21 years of age or for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages.

Anyone convicted of violating either of the above provisions is guilty of a second-degree misdemeanor. If a driver's license or an identification card issued by the Department of Highway Safety and Motor Vehicles is used in violation of these provisions, additional penalties may be imposed, including suspension or revocation of the driver's license.

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

It is unlawful for any person under the age of 21 years...to have in his or her possession alcoholic beverages.

Convicted violators of this statute are guilty of a misdemeanor of the second degree. Suspension or revocation of a driver's license may also be imposed.

Statute 768.125 -- Liability for injury or damage resulting from intoxication.

A person who sells or furnishes alcoholic beverages to a person of lawful drinking age shall not thereby become liable for injury or damage caused by or resulting from the intoxication of such person, except that a person who willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age or knowingly serves a person habitually addicted to the use of any or all alcoholic beverages may become liable for injury or damage caused by or resulting from the intoxication of such minor or person.

Other State Laws

Statute 856.011 -- Disorderly Intoxication

No person (defined as any person 21 years of age or older) having control of any residence shall allow an open house party (defined as a social gathering at a residence) if any alcoholic beverage or drug is possessed or consumed at said residence by any minor (person under 21 years of age) where the person knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at said residence and where the person fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

University of Florida Alcohol Policy 6C1-2.019

Statute 856.015 -- Open House Parties

No adult [person 21 years-of-age or older] having control of any residence shall allow an open house party (defined as "a social gathering at a residence") if any alcoholic beverage or drug is possessed or consumed at said residence by any minor (person under 21 years of age) where the person knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at said residence and where the person fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Convicted violators of this statute are guilty of a second-degree misdemeanor.

Statute 316.193 -- Driving Under the Influence

A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if such person is driving or in actual physical control of a vehicle within this state, and:

The person is under the influence of alcoholic beverages, any chemical substance set forth in s.877.111, or any substance controlled under Chapter 893, when affected to the extent that his normal faculties are impaired; or

The person has a blood or breath alcohol level of 0.08 or higher.

Convicted violators of this statute are guilty of a second-degree misdemeanor; violation of this statute subjects a person to fines or imprisonment or both as well as restrictions on driving privileges.

Statute 316.1936 -- Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.

It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage while operating a vehicle in the state or while a passenger in or on a vehicle being operated in the state.

Convicted violators of this statute are guilty of a noncriminal moving traffic violation.

Gainesville City Ordinances

City Ordinance Section 4-4(b) (1)

It shall be unlawful for any person to consume or have in his/her possession any alcoholic beverages in any open container on any public street, thoroughfare, sidewalk . . . or on any public or semi-public parking facility in the city. It shall be unlawful for any person to have in his/her possession any alcoholic beverages in any open container while in or on any motor vehicle on any public or semi-public parking facility in the city. . . .

City Ordinance Section 4-4 (c)

Except the section commonly known as the executive suite boxes, it shall be unlawful for any person to consume or to have in his or her possession any alcoholic beverages within the stands, stadium, or grounds of Florida Field, which is the stadium located on the campus of the University of Florida. This prohibition shall apply at any place within the gates of the stadium whether the

**University of Florida
Alcohol Policy 6C1-2.019**

same be in the stands, on the grounds, in the aisles or at any other place in said stadium. Violators of these city ordinances may be subject to fine, imprisonment or both.