

NOTICE OF PROPOSED REGULATION

Date: March 1, 2016

REGULATION TITLE: Alcoholic Beverages

REGULATION NO.: 2.019

SUMMARY: The amendments to this regulation, which governs alcohol, include: (a) clarifying, without changing, a number of provisions, including but not limited to the applicability of subsections (1) (for sale of alcohol), (2) (for service, consumption and possession, but not sale, of alcohol, e.g., at functions and events), and (3) (for special permission to sell, serve, consume and possess alcohol when otherwise not permitted by subsections (1) and (2)), (b) codifying existing practice by specifying the Vice President for Business Affairs as the President's designee for granting special permission under subsection (3), (c) adding two club lounges (but not club seats) at the O'Connell Center during basketball games and two club lounges (but not club seats) at the Ben Hill Griffin Stadium during football games, as locales where alcohol may be sold when the lounges are open for food service, subject to conditions, (d) codifying existing practice that, subject to conditions, alcohol may be served (not sold) at the F-Club, e.g., during functions, and Touchdown Terrace dens (adding these locales to those already on the list in the regulation), (e) specifying certain approvals required and conditions imposed under various subsections of the regulation, including but not limited to the requirement for the President's approval of (i) conditions for sale of alcohol in the lounges referenced in (c), (ii) service, consumption and possession of alcohol in association with any "competition, performance or demonstration event" (athletic or other) under subsection (2) of the regulation—except that the already-existing privilege of serving (not selling) alcohol in Stadium boxes, suites on level 6 and level 7, and Touchdown Terrace dens is preserved, and (iii) the sale, service, consumption and possession of alcohol in association with any competition, demonstration or performance event given special permission under subsection (3) of the regulation in any athletic facility, or in any other locale with occupancy of 5,000 or more, and (f) providing a definition of "in association with" (before, during and—except as otherwise provided--following).

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Sandra L. Mitchell, Senior Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Curtis A. Reynolds, Vice President for Business Affairs.

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

2.019 Alcoholic Beverages.

(1) This subsection (1) concerns ~~the sale of alcoholic beverages~~ on the University campus, which for the purposes of this regulation includes all properties under the control of the University of Florida and all fraternity and sorority houses. The sale of alcoholic beverages on the University campus, shall be permitted only under the conditions set forth in this regulation.

(a) Functions at which alcoholic beverages are sold shall include any function at which alcoholic beverages are served and for which an admission fee is charged, cups are sold, tickets are sold, donations are collected by the individual or group or any of the members of the group sponsoring the function, or cash or anything else of value is exchanged for alcoholic beverages.

(b) The sale of alcoholic beverages is permitted only in the following facilities: the Orange and Brew in the J. Wayne Reitz Union (beer and wine only); other areas that are designated for such use under the regulations set forth in the Reitz Union Policy Manual; the University Golf Club; ~~the Touchdown Terrace~~; the Curtis M. Phillips Center for the Performing Arts; the cafe at the Mary Ann Harn Cofrin Pavilion of the Harn Museum of Art; the Florida Museum of Natural History; the Courtside Club Lounge and the Sideline Club Lounge (but not club or other seats) of the Stephen C. O'Connell Center in association with (but not following) basketball games when the Courtside Club Lounge and Sideline Club Lounge are open and serving food; the Evans Champion Club Lounge and the Holloway Touchdown Terrace Club Lounge (but not club or other seats) of the Ben Hill Griffin Stadium in association with (but not following) football games when the Evans Champion Club Lounge and Holloway Touchdown Terrace Club Lounge are open and serving food; and areas designated for such use by the Vice

President of Development and Alumni Affairs in Emerson Alumni Hall. The Executive Director of the J. Wayne Reitz Union or the Executive Director's designee shall set the days, hours, and conditions of sale for the Orange and Brew and for other designated areas in the Union. The Athletics Director or the Director's designee shall set the days, hours, and conditions of sale for the University Golf Club ~~and the Touchdown Terrace~~. The Director of the Curtis M. Phillips Center shall set the days, hours, and conditions of sale for the Curtis M. Phillips Center. The Director of the Samuel P. Harn Museum of Art shall set the days, hours, and conditions of sale for the Café at the Mary Ann Harn Cofrin Pavilion. The Vice President of Development and Alumni Affairs shall set the days, hours, and conditions of sale for the areas designated for such use at Emerson Alumni Hall. The Director of the Florida Museum of Natural History shall set the days, hours, and conditions of sale for the Florida Museum of Natural History. The President, after consulting with the Athletic Director, shall set the days, hours and conditions of sale for the Courtside Club Lounge and the Sideline Club Lounge at the Stephen C. O'Connell Center (which will include the limitations listed in their description in this paragraph (1)(b) above) and the Evans Champion Club Lounge and Holloway Touchdown Terrace Club Lounge at the Ben Hill Griffin Stadium (which will include the limitations listed in its description in this paragraph (1)(b) above).

(c) The only alcoholic beverages that may be possessed or consumed in any facility listed above are those alcoholic beverages purchased in that respective facility, and the purchased alcoholic beverages must be consumed within that respective facility.

(d) Whenever the management of any facility listed above conducts a reduced-price alcoholic beverages 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 during such event or period of time. Facilities permitted to sell alcoholic beverages are prohibited from doing so in a manner that promotes excessive or rapid consumption. Examples include, but are not limited to, selling or serving on an “all you can drink” basis, selling multiple alcoholic beverages for the price of a single alcoholic beverage, and promoting free or discounted alcoholic beverages for a certain segment of the population.

(e) The management of any facility listed above shall not sponsor drinking games or any other activities, including but not limited to “all you can drink” or “unlimited” drink promotions, which encourage the rapid and/or excessive consumption of alcoholic beverages.

(f) The requisite permit for the sale of alcoholic beverages must be obtained from the Division of Alcoholic Beverages and Tobacco of the State of Florida.

(g) For purposes of this regulation, “in association with” means the periods leading up to, during, and (unless otherwise provided) following any athletic or other competition, performance or demonstration event in the same, a connected, or a closely associated facility. Ancillary entertainment provided during and at the locale of a function, where the function is not itself an athletic or other competition, performance or demonstration event, is not a “competition, performance or demonstration event” for purposes of this regulation.

(2) This subsection (2) concerns the serving, consumption, and possession (but not the sale) of alcoholic beverages on the University campus. The serving, consumption, and possession of alcoholic beverages shall be permitted in the following areas of the University campus (which for purposes of this regulation includes all properties under its control and all fraternity and sorority houses), except that in no event shall alcoholic beverages be served, consumed, or possessed in any outdoor public area of campus, classroom, laboratory, or office.

(a) Private rooms of individuals of legal drinking age residing in University housing and in fraternity and sorority houses when such serving, consumption, or possession is not in conjunction with a function held by a student group or other organization or group.

(b) Public meeting areas in University housing and in fraternity and sorority houses, during a function held by a student group(s) after registration of such function pursuant to applicable residence hall or fraternity and sorority policies.

(c) Those areas of the J. Wayne Reitz Union that are designated for such use under the regulations set out in the Reitz Union Policy Manual.

(d) The Curtis M. Phillips Center for the Performing Arts, the Baughman Center, and the Friends of Music Room with the permission of, and under the conditions imposed by, the Director of the Curtis M. Phillips Center.

(e) The Samuel P. Harn Museum of Art with the permission of and under the conditions imposed by, the Director of the Samuel P. Harn Museum of Art.

(f) The Florida Museum of Natural History with the permission of, and under the conditions imposed by, the Director of the Florida Museum of Natural History.

(g) Emerson Alumni Hall and the University of Florida Foundation with the permission of, and under the conditions imposed by, the Vice President of Development and Alumni Affairs.

(h) Keene Center, Bruton-Geer Hall, Founders Gallery at the J. Hillis Miller Health Center, Rare Books and Special Collections in Smathers Library (East), TREEO Center, and University Gallery, with the permission of, and under the conditions imposed by, the President or Provost or President's or Provost's designee.

(i) University Golf Club, ~~Touchdown Terrace, the F Club,~~ the Gator Room, Ben Hill Griffin Stadium boxes, Bull Gator Level, Press Box Lounge, ~~Champion Club Lounge, Suites on~~

Level 6 and Suites on Level 7, Touchdown Terrace dens, and the University Women's Club with the permission of, and under the conditions imposed by, the Athletics Director. The President's approval shall also always be required when alcohol is to be served, consumed or possessed in any such locale in association with an athletic or other competition, performance or demonstration event; except that alcohol may be served, consumed and possessed (but not sold) in the Ben Hill Griffin Stadium boxes, Suites on Level 6 and Level 7, and the Touchdown Terrace dens in association with an athletic or other competition, performance or demonstration event in accordance with policies of the Athletic Director (concurred with by the President) without additional approval on each occasion by the President.

(j) Austin Cary Memorial Forest with the permission of, and under the conditions imposed by, the Director of the School of Forest Resources and Conservation.

(k) The Courtside Club Lounge and Sideline Club Lounge at the Stephen C. O'Connell Center (but not club or other seats) and the Evans Champion Club Lounge and Touchdown Terrace Club Lounge of the Ben Hill Griffin Stadium (but not club or other seats), with the permission of, and under the conditions imposed by, the President or Athletic Director. The President's approval shall always be required when alcohol is to be served, consumed or possessed in any such locale in association with an athletic or other competition, performance or demonstration event.

(3) Notwithstanding the provisions of subsections (1) and (2) of this regulation, the President or President's designee (who is the Vice President for Business Affairs) is authorized to give written permission, under terms specified with said permission, for the sale, service, consumption, or possession of alcoholic beverages at other times and/or in any locations on the University of Florida campus, provided that the President's approval shall always be required

under this subsection (3) when alcohol is to be sold, served, consumed or possessed in any athletic or athletic program-related facility, or in any other locale with an occupancy of 5,000 or more, in association with an athletic or other competition, performance or demonstration event, and in no event shall alcoholic beverages be sold, served, consumed, or possessed in any outdoor public area of campus, classroom, laboratory, or office. Permission shall not be granted for the sale, service, consumption, or possession of alcoholic beverages at meetings, receptions, and other events held during the University's normal business hours, 8 a.m. to 5 p.m., Monday through Friday, and shall be granted only in furtherance of University programs and in consonance with the conditions of subsection (4) of this regulation. A current list of such permits can be obtained from the Office of the Vice President for Business Affairs.

(4) Any person or group of persons holding a function or conducting an activity at a location where consumption of alcoholic beverages is permitted under the provisions of this regulation, shall abide by the following regulations in conducting the function or activity:

(a) The person or group(s) holding the function shall 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.

(b) At the function, a person (or persons) over the legal drinking age must be designated as the server(s). The server(s) shall not consume alcoholic beverages. All alcoholic beverages to be served at the function must be located so that access to them can be had only through the designated server(s).

(c) Nonalcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages. A sufficient amount of non-salty, non-“snack” food must also be available.

(d) The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at the function, and the alcoholic beverages must be consumed within the designated area in which the function is being held.

(e) Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted at the function.

(f) Alcoholic beverages may not be served or consumed at any social event held in conjunction with fraternity recruitment or other organized drive to recruit students on campus.

(g) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes, or rewards to an individual(s) or group(s).

(h) Additional guidelines for the serving and consumption of alcoholic beverages may be established by the person or group holding the function.

(i) Any event which will have student attendance also requires the approval of the Dean of Students.

(j) The permission granting authority for any approved location will notify the University Police Department of any function where alcoholic beverages are served. The University Police Department will determine if a uniformed member of, or a substitute approved by the Chief of Police of the University Police Department, must be present during the function. In such cases, the University Police Department expense must be paid by the sponsoring group.

(k) All announcement(s) or advertisement(s), including, but not limited to, flyer(s), notice(s), poster(s), banner(s), tee-shirt(s), promotional items, and newspaper and radio

advertisement(s), concerning the function shall note the availability of nonalcoholic beverages at the function as prominently as the availability of alcoholic beverages and note that proper identification is required in order to be served or sold alcoholic beverages, shall not make reference to the amount of alcoholic beverages, as, for example, the number of kegs of beer, available at the function, nor to any form of drinking contest, and shall not use images of kegs, alcoholic beverage bottles or containers, or alcoholic beverage glasses. Such advertisement(s) or announcement(s) should not portray the drinking of alcoholic beverages as a solution to personal or academic problems or as necessary to social, sexual, personal or academic success.

(5) Any function sponsored by a student or a student group (or groups) at which alcoholic beverages are sold or served may be held in those areas permitted under the provisions of this regulation only after prior written approval is obtained for such function from the person with authority over the area as set forth in subsections (1), (2), and (3) of this regulation and the Dean of Students or Dean's designee. Such approved function shall be subject to the regulations set out in this subsection, subsections (1), (2), (3), and (4) of this regulation as well as, if applicable, subsection (6) of this regulation. In addition, student organization functions open to the public must have the appropriate event permit from the Department of Student Activities and Involvement. Permission is obtained through the event permitting process through the Department of Student Activities and Involvement, 300 J. Wayne Reitz Union, Gainesville, Florida or online at <http://www.studentinvolvement.ufl.edu/Event-Planning/Submit-an-Event-Permit-Request>. Functions open to the public shall be defined as those functions to which the general public has been invited, through oral, written, or printed announcement(s), advertisement(s), or invitation(s).

(6) A person or group(s) may sponsor an activity involving a commercial off-campus distributor of alcoholic beverages (an entity manufacturing or selling alcoholic beverages at wholesale) only under the following conditions:

(a) The group sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.

(b) Advertising and publicity must reflect sole sponsorship of the activity as being that of the group. Any advertisement(s) or announcement(s), including, but not limited to, flyer(s), notice(s), poster(s), banner(s), tee-shirt(s), and radio and newspaper advertisement(s), concerning the event may reflect a commercial off-campus distributor's support, but must not indicate or convey sponsorship by the distributor or by a specific brand of alcoholic beverages. Such advertisement(s) or announcement(s) should not portray the drinking of alcoholic beverages as a solution to personal or academic problems or as necessary to social, sexual, personal or academic success.

(c) Promotion of certain brands of alcoholic beverages at the activity shall not be such as to encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use of alcoholic beverages.

(d) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes, or rewards to an individual(s) or group(s).

(e) All elements of the activity sponsored are consistent with all provisions of this regulation.

(f) Any exception to the policy set forth in this subsection must be specifically approved by the President, [after consulting with the Vice President for Business Affairs](#), and must result

from conflicting contractual provisions in University contracts with third parties concerning entertainment and sports events.

Authority: BOG Regulation 1.001.

History--New 5-14-85, Formerly 6C1-2.19, Amended 7-11-94, 3-12-03, 6-3-03, 5-30-04, 3-14-08, Formerly 6C1-2.019, Amended 3-17-11, 4-3-15 (technical changes only)- .