

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES  
FLORIDA BOARD OF GOVERNORS**

**NOTICE OF REGULATION MAKING  
PROPOSED REGULATION**

**REGULATION NO.:** FIU-2505

**REGULATION TITLE:** Alcoholic Beverages.

**SUMMARY:** This Regulation provides the requirements for possessing serving, selling and consumption and distribution of alcohol at all FIU sponsored events and activities, and all facilities operated under the jurisdiction of FIU.

**TEXT OF REGULATION:** The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, [www.bot.fiu.edu/trustees/](http://www.bot.fiu.edu/trustees/). If you would like a copy of the Proposed Regulation, please contact Lourdes Palomares, Administrative Assistant, Office of the General Counsel, (305) 348-2103.

**AUTHORITY:** Resolution of the Florida Board of Governors dated January 7, 2003 and FS 1001.74(6)

**NAME OF PERSON INITIATING PROPOSED REGULATION:** Dr. Rosa Jones

**ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.**

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** Lourdes Palomares, Administrative Assistant, Office of the General Counsel, Florida International University, 11200 SW 8<sup>th</sup> Street, PC 511, Miami, FL 33199. Email: [palomare@fiu.edu](mailto:palomare@fiu.edu). Fax: (305) 348-3272. Phone: 305-348-2103.

**DATE OF PUBLICATION:** May 13, 2008

**FIU-2505 Alcoholic Beverages.**

**(1) GENERAL REQUIREMENTS.**

(a) This ~~rule~~regulation shall govern the possession, service, sale, consumption and distribution of alcohol at all Florida International University sponsored events and activities; at all facilities operated under the jurisdiction of the University; to any, and all faculty, staff and students of the University, and their guests attending such events and activities.

(b) All activities, locations and individuals, referenced above, shall be governed by, and held accountable to the most stringent requirements of the appropriate state and federal laws, local county ordinances regarding alcohol, and/or this University ~~rule~~regulation.

**(c) Definitions:**

1. The term “*alcohol*” or “*alcoholic beverage*”, as used in this ~~rule~~regulation, includes beer, wine, hard liquor, distilled spirits, mixed drinks, and other beverages containing ethyl alcohol.

2. The term “*sponsored by*”, as used in this ~~rule~~regulation, includes all events and activities, on or off ~~campus~~University Premises, supported wholly or in part through funding, services or resources of any University budget entity.

3. The term “*individual*”, as used in this ~~rule~~regulation, includes any employee, student, volunteer or agent of the University, and their invited guests.

4. The term “*University premises*”, as used in this ~~rule~~regulation, includes any facility, vessel, vehicle or real estate, whether owned, leased, rented or temporarily assigned, which is managed and operated under the authority of the University or an authorized agent of the University.

(d) No individual under the legal drinking age (minimum of 21 years of age) may possess, serve, sell, consume, or distribute alcohol on University premises, unless specifically engaged in an approved and supervised academic program, which does not involve the actual ingestion of alcohol by an individual under the legal drinking age.

(e) No individual may serve or otherwise provide alcohol, for consumption, to individuals under the legal drinking age of 21 years.

**(2) SERVICE, SALE AND DISTRIBUTION.**

(a) Where all other ~~rule~~regulation requirements have been satisfied, the approval process for the service, sale or distribution of alcohol on University premises shall be as follows:

1. A written document, contract or agreement, facility reservation form, memo or letter describing the type of event, number of attendees, and appropriate event controls shall be submitted to the Vice President of Student Affairs or his/her designee for approval, at least two weeks prior to the scheduled date. Approval shall be granted based on demonstrated intent to comply with the requirements set forth in paragraphs (2)(b) and (2)(c) of this ~~rule~~regulation. The sale or service of alcohol on University premises in the absence of this approval is a direct violation of this ~~rule~~regulation.

2. Alcoholic beverages may be sold or served only by trained and service providers with appropriate permits.

3. Any sale of alcohol on University premises shall be in accordance with the requirements of the University’s terms of agreement with the contracted food service provider for the University.

NOTE: Although the Vice President of Student Affairs or his/her designee may approve the sale of alcohol on University premises, only the Division of Alcoholic Beverages and Tobacco can issue the required legal permit to sell alcohol in the State of Florida.

4. Upon satisfaction of all legal and ~~rule~~regulation requirements, the service and sale of alcoholic beverages on University premises are limited to the locations identified below, or those otherwise authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his/her designee:

a. All locations specified on the alcoholic beverage license of the University's food service contractor.

b. University Park: Graham Center (GC) including the Ballrooms; The Faculty Club; The Rathskellar (Gracie's Grill); The Panther Suite; The Cafeteria & Food Court; The GC Forum & The Pit; The Golden Panther Arena & The Athletic fields/facilities and the FIU Stadium, The Betty Chapman Student Plaza (*Fountain area bordered on the North by the GC – on the West by the PC building and on the Southeast by Parking Garage #1*), The Art Museum (and adjacent areas in PC); The Wertheim Performing Arts Center; The University House, Cejas School of Architecture Building, and Green Library.

c. Biscayne Bay Campus: Wolfe University Center (WUC) Ballrooms, Cafeteria, Panther Square, Hospitality Management Building, Southern Wine and Spirits Management Center, Koven's Conference Center, Library.

d. University Housing and Greek Housing: As authorized in writing by the Vice President for Student Affairs or designee under terms specified within said authorization.

e. Other areas: The Wolfsonian-FIU Museums and The Women's Club.

f. Future locations to be determined upon completion of construction or execution of lease agreements.

(b) When the service and sale of alcohol has been approved by the duly authorized University official, the following conditions shall apply:

1. Any individual to whom alcohol is sold or served, or who attempts to purchase or consume alcohol on University premises must satisfy the legal age requirement of 21 years, and demonstrate this by showing valid photo identification when asked to do so. Such identification includes: valid photo identification issued by the State of Florida or any other state of the United States, a passport or a United States armed services identification card, ~~when asked to do so~~.

2. Event servers/bartenders and attendants may exercise prudent judgment, consistent with their training, with regard to the appearance of an individual in determining whether they satisfy the minimum age requirement.

3. Servers/bartenders and event attendants shall be properly trained regarding Florida's underage person laws. Such training shall meet the minimum standards of programs such as TIPS  (*Training for Intervention Procedures*).

4. Servers/bartenders and attendants shall be at least 21 years old.

5. Individuals shall not bring alcoholic beverages to any University sponsored event. Individuals ~~may~~shall not leave a University event or event area while carrying or holding any type of container of alcoholic beverage.

6. Non-alcoholic beverages and food must be provided in sufficient quantities at all events, and shall be made available for the duration of the event, while alcohol is also available.

7. Non-alcoholic beverages must be available at a price equal to or less than the price

of the alcohol being served.

8. At least two printed signs shall be prominently displayed at each event, each of which must display the following information:

**NO ALCOHOL SOLD OR SERVED TO MINORS  
PROOF OF AGE IS REQUIRED  
NON-ALCOHOLIC BEVERAGES AVAILABLE  
MANAGEMENT RESERVES THE RIGHT TO DENY SERVICE  
ASK AN ATTENDANT FOR ASSISTANCE, IF NECESSARY**

Signs shall meet the following, minimum specifications: size shall be at least 11 inches by 14 inches; no other message shall be included on these signs, however, a single sign may be used to display this information in languages other than English.

9. Alcoholic beverages shall not be used as prizes or awards for any event.

10. "Alcohol tasting" events are subject to all the conditions of this ~~rule~~ regulation.

11. Competitions or contests that involve alcoholic beverages are strictly prohibited.

12. At least one uniformed member of the University Police Department, or a substitute approved by the Chief of the University Police Department shall be present at all events on University premises at which alcohol is sold or served.

13. The service and sale of alcohol must cease at least one hour before the scheduled and advertised end of the event.

14. The service or sale of alcohol shall not continue at any event on University premises after 1:00 a.m.

15. Reasonable conditions intended to encourage and facilitate the responsible consumption of alcohol imposed by the FIU Executive ~~Council~~ Committee, the Chief of Police, or the ~~Director~~ Department of Risk Management and Environmental Health and Safety ~~and Risk Management Services~~, on an event-by-event basis.

(c) Applicable Laws and Regulations: Individuals shall adhere to all applicable state and local laws related to the sale or consumption of alcohol. These include, but are not limited to the following:

1. It is unlawful for any person to assist an underage person to purchase or attempt to obtain alcoholic beverages.

2. It is unlawful for any underage person to falsify a driver's license or other identification document in order to obtain or attempt to obtain alcoholic beverages.

3. It is unlawful for any person to permit use of his/her driver's license or any other identification document, by an underage person, to purchase or attempt to purchase alcoholic beverages.

4. The burden of proof to demonstrate satisfaction of the legal drinking age requirement is the responsibility of the person desiring alcohol service.

5. It is the responsibility of the server, at the time that an alcoholic beverage is requested to check the photo ID or wristband of persons to be served, or otherwise verify the age of the person to whom alcohol is to be served. Servers reserve the right to deny service.

6. Transportation of any alcoholic beverages on University premises shall be in unopened containers.

**(3) DISTRIBUTION, ADVERTISING AND PROMOTION.**

(a) Advertisement and promotion of the use or consumption of alcohol at any event or activity is prohibited, unless written approval of the content of the advertisement, the

size, location and method of distribution of the promotional material are, each and all, specifically reviewed and approved by the Vice President of Student Affairs or his/her designee. Approval shall be granted based on conformance with the requirements set forth in paragraph (3)(c) of this ~~rule~~regulation.

(b) The following conditions shall also apply:

1. Event sponsors, who are also producers, sellers or distributors of alcoholic beverages shall not be recognized on printed or promotional materials unless authorized by the Vice President of Student Affairs or his/her designee pursuant to paragraph (3)(a) of this ~~rule~~regulation.

2. Event sponsors, their subsidiaries, partners, or affiliated companies, which are recognized distributors or marketers of alcohol shall not be recognized on promotional materials for specific events where their products are sold or served, or at concurrent events on University premises, unless authorized by the Vice President of Student Affairs pursuant to paragraph (3)(a) of this ~~rule~~regulation.

(c) Event planners or University administrators seeking approval for advertising or promotion of the use or consumption of alcohol on University premises shall assure that advertisements and promotional materials satisfy the following minimum requirements prior to requesting approval:

1. Advertisement for alcohol shall not promote the irresponsible use of alcohol.

2. Advertisement shall not encourage ~~any~~ behaviors or activities that directly conflict with the requirements of this ~~rule~~regulation.

3. Advertisement shall not use alcohol as an inducement to participate in a University event and shall not offer alcohol as a prize or gift in any form of contest, raffle, game, or competition.

4. Social events that encourage drinking, drinking contests, or alcoholic intoxication, and the advertisement of any such events are strictly prohibited.

5. General promotional materials, including advertising for any University sponsored event shall not make reference to the availability of alcoholic beverages unless the event is sponsored by the School of Hospitality Management in association with the FIU Beverage Management Program.

6. Advertising for any event sponsored by the FIU School of Hospitality Management where alcoholic beverages will be served and its availability is identified in the promotional material, shall specifically mention the availability of non-alcoholic beverages as prominently as the availability of alcoholic beverages.

(4) TAILGATING AND ATHLETIC EVENTS. In addition to all other requirements stated in this ~~rule~~regulation, the following requirements shall apply to the service, purchase, use, possession, distribution or consumption of alcohol and alcoholic beverages on University premises at events occurring in conjunction with FIU athletic events and competitions – either before, during or after the games.

(a) Alcoholic beverages may be sold, served and consumed within the Stadium Club and Suites at the FIU Stadium, subject to all legal and ~~rule~~regulation requirements. Except as to these specified locations or as otherwise approved in accordance with this ~~rule~~regulation, ~~Alcohol~~alcohol shall not be sold, ~~or served or consumed in the FIU Community Stadium or within the confines of any facility on University premises in connection with FIU inter-collegiate athletic events where an athletic event is being held, if the sale or service of alcohol is in any way associated with the scheduled athletic event.~~

Individuals with access to the Stadium Club or Suites at the FIU Stadium shall be prohibited from carrying alcoholic beverages to any other locations within the FIU Stadium. The sale or service of alcoholic beverages at non-intercollegiate athletic events shall be considered on an event-by-event basis in accordance with Section 2 above.

(b) Individuals and members of the public attending any football game on University premises shall not leave and subsequently re-enter the ~~football~~ FIU stadium Stadium at any time before or during the game. ~~Response to inclement weather conditions or emergency evacuations shall be handled on a case by case basis.~~

(c) Individuals and members of the public are strictly prohibited from entering the football stadium while carrying or bearing any type of container, open or closed, which contains any type of beverage.

(d) Event managers and University police reserve the right to deny access, to athletic events, to individuals and members of the public who exhibit behaviors consistent with alcohol intoxication, or who behave in any manner inconsistent with the requirements of this ~~rule~~ regulation.

(e) Tailgating activities on University premises that involve the service, sale or consumption of alcohol shall be restricted to specifically designated locations monitored by the FIU Public Safety Department.

(f) The sale ~~and~~, service and consumption of alcohol shall be restricted to specific locations authorized in writing under terms specified within said authorization by the Vice President of Student Affairs or his or her designee.

(g) The FIU Chief of Police shall prepare and submit an *Event Evaluation Summary & Recommendation Report* to the Vice President of Student Affairs within 72 hours of each athletic event and shall specifically address findings related to the use or abuse of alcohol at each event on each report.

*Specific Authority 1001.74(4) FS. Law Implemented 1001.74(6), (10), (19) FS. History—New 8-12-85, Formerly 6C8-11.05, Amended 4-16-91, 9-3-03, 8-22-04, Formerly 6C8-11.005, Amended \_\_\_\_\_.*