By the Committees on Criminal Justice; Regulated Industries; and Senators Haridopolos and Lynn

591-2298-05

1	A bill to be entitled
2	An act relating to alcoholic beverages;
3	creating s. 562.61, F.S.; providing a
4	definition of the term "alcohol-vaporizing
5	devices"; prohibiting the sale, purchase, or
6	use of machines or devices which vaporize
7	alcohol; providing penalties; providing a fine;
8	providing an exception; creating s. 563.09,
9	F.S.; permitting certain licensees to conduct
10	malt beverage tastings; providing an effective
11	date.
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13	Be It Enacted by the Legislature of the State of Florida:
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15	Section 1. Section 562.61, Florida Statutes, is
16	created to read:
17	562.61 Sale, purchase, or use of alcohol-vaporizing
18	devices prohibited
19	(1) For purposes of this section, "alcohol-vaporizing
20	device" means any device, machine, or process that mixes
21	spirits, liquor, or other alcohol products with pure oxygen or
22	other gas to produce a vaporized product for the purpose of
23	consumption by inhalation.
24	(2) No person shall purchase, sell, offer for sale, or
25	use an alcohol-vaporizing device.
26	(3)(a) Any person who violates the provisions of this
27	section by selling or offering for sale an alcohol-vaporizing
28	device commits a misdemeanor of the first degree, punishable
29	as provided in s. 775.082 or s. 775.083. Any person who
30	violates the provisions of this section by selling or offering
31	for sale an alcohol-vaporizing device after having been

1	previously convicted of such an offense within the past 5
2	years commits a felony of the third degree, punishable as
3	provided in s. 775.082 or s. 775.083.
4	(b) Any person who violates this section by purchasing
5	or using an alcohol-vaporizing device shall be subject to a
6	fine of \$250.
7	(4) This section does not apply to the administration
8	or prescription of a product that contains alcohol by a health
9	care practitioner who is licensed under the laws of this state
10	or another state.
11	Section 2. Section 563.09, Florida Statutes, is
12	created to read:
13	563.09 Malt beverage tastings permitted;
14	limitations
15	(1) A licensee shall not conduct a malt beverage
16	tasting except as provided in this section.
17	(2) A malt beverage tasting may be conducted:
18	(a) On a licensed premises by a vendor who is licensed
19	to sell alcoholic beverages for consumption on those premises;
20	(b) Within a fully enclosed building under a permanent
21	roof by a vendor who is licensed under s. 563.02(1)(a) or s.
22	564.02(1)(a) with a licensed premises consisting of at least
23	7,000 square feet of publicly accessible floor space; or
24	(c) Within a fully enclosed building under a permanent
25	roof by a vendor who is licensed under s. 565.02(1)(a)
26	regardless of the amount of publicly accessible floor space.
27	(2) An importer, manufacturer or distributor shall not
28	assist, by any gifts or loans of money or property of any
29	description or by the giving of any rebates of any kind, a
30	<pre>vendor who is licensed under s. 563.02(1)(a), s. 564.02(1)(a),</pre>
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1	or s. 565.02(1)(a) in the conduct of a malt beverage tasting
2	and no such vendor may accept or receive such assistance.
3	Section 3. This act shall take effect July 1, 2005.
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5	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
6	CS/SB 794
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8	- Limits malt beverage tastings to the following: on the licensed premises of a vendor who is licensed to sell
9	alcoholic beverages for consumption on the premises; within a fully enclosed building under a permanent roof
10	by a vendor who is licensed as a package store for malt
11	beverages or a package store for malt, wine, and fortified wines (such as port or sherry) with a licensed
12	premises consisting of at least 7,000 square feet of publicly accessible floor space; or within a fully
13	enclosed building under a permanent roof by a vendor who is licensed as a package store regardless of the amount
14	of publicly accessible floor space.
15	- Prohibits an importer, manufacturer, or distributor from assisting, by any gifts or loans of money or property of
16	any description or by the giving of any rebates of any kind, a vendor who is licensed to sell malt beverages
17	under s. 563.02(1)(a), F.S., malt, wines, and fortified wines under s. 564.02(1)(a), F.S., or any alcoholic
18	beverages regardless of alcoholic content under s. 565.02(1)(a), F.S., in the conduct of a malt beverage
19	tasting and the vendor may not accept or receive such assistance.
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