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1 A bill to be entitled
2 An act relating to alcoholic beverages; creating s.
3 562.63, F.S.; defining the term "powdered alcohol";
4 prohibiting the sale, offer for sale, purchase, use,
5 offer for use, or possession of powdered alcohol;
6 providing penalties; providing an exemption for the
7 use of powdered alcohol by specified entities for
8 research purposes; providing an exemption for the
9 possession of powdered alcohol solely for the purpose
10 of transportation through this state by specified
11 entities; providing an expiration date; amending s.
12 564.05, F.S.; exempting sparkling wine and champagne
13 from a specified volume restriction; amending s.
14 565.02, F.S.; providing applicability; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 562.63, Florida Statutes, is created to
20 read:

21 562.63 Powdered alcohol; prohibited sale, offer for sale,
22 purchase, use, offer for use, or possession.—

23 (1) As used in this section, the term "powdered alcohol"
24 means alcohol prepared in a powdered form for either direct use
25 or consumption after the powder is combined with a liquid.

26 (2) A person may not sell, offer for sale, purchase, use,
27 offer for use, or possess powdered alcohol.

28 (3) A vendor licensed under s. 565.02(1)(a)-(f) may not
29 sell or offer for sale powdered alcohol.

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30 (4) (a) A person who violates this section by selling or
31 offering for sale powdered alcohol commits a misdemeanor of the
32 first degree, punishable as provided in s. 775.082 or s.
33 775.083.

34 (b) A person who violates this section by purchasing,
35 using, offering for use, or possessing powdered alcohol commits
36 a noncriminal violation, punishable by a fine of \$250.

37 (5) This section does not apply to the use of powdered
38 alcohol for research purposes by a:

39 (a) Health care provider that operates primarily for the
40 purpose of conducting scientific research;

41 (b) State institution;

42 (c) State university or private college or university; or

43 (d) Pharmaceutical or biotechnology company.

44 (6) This section does not apply to the possession of
45 powdered alcohol solely for the purpose of transportation
46 through this state by a licensed manufacturer or a common
47 carrier on behalf of a licensed manufacturer.

48 (7) This section expires July 1, 2017.

49 Section 2. Section 564.05, Florida Statutes, is amended to
50 read:

51 564.05 Limitation of size of individual wine containers;
52 penalty.—It is unlawful for a person to sell within this state
53 wine in an individual container holding more than 1 gallon of
54 such wine, unless such wine is in a reusable container holding
55 5.16 gallons or such wine is sparkling wine or champagne and is
56 in an individual container holding 6.0 or 9.0 liters. However,
57 qualified distributors and manufacturers may sell wine to other
58 qualified distributors or manufacturers in any size container.

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59 Except as provided in s. 564.09, wine sold or offered for sale
60 by a licensed vendor to be consumed off the premises shall be in
61 the unopened original container. A person convicted of a
62 violation of this section commits a misdemeanor of the second
63 degree, punishable as provided in s. 775.082 or s. 775.083.

64 Section 3. Subsection (9) of section 565.02, Florida
65 Statutes, is amended to read:

66 565.02 License fees; vendors; clubs; caterers; and others.-

67 (9) It is the finding of the Legislature that passenger
68 vessels engaged exclusively in foreign commerce are susceptible
69 to a distinct and separate classification for purposes of the
70 sale of alcoholic beverages under the Beverage Law. Upon the
71 filing of an application and payment of an annual fee of \$1,100,
72 the director is authorized to issue a permit authorizing the
73 operator, or, if applicable, his or her concessionaire, of a
74 passenger vessel which has cabin-berth capacity for at least 75
75 passengers, and which is engaged exclusively in foreign
76 commerce, to sell alcoholic beverages on the vessel for
77 consumption on board only:

78 (a) During a period not in excess of 24 hours prior to
79 departure while the vessel is moored at a dock or wharf in a
80 port of this state; or

81 (b) At any time while the vessel is located in Florida
82 territorial waters and is in transit to or from international
83 waters.

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85 One such permit shall be required for each such vessel and shall
86 name the vessel for which it is issued. No license shall be
87 required or tax levied by any municipality or county for the

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88 privilege of selling beverages for consumption on board such
89 vessels. The beverages so sold may be purchased outside the
90 state by the permittee, and the same shall not be considered as
91 imported for the purposes of s. 561.14(3) solely because of such
92 sale. The permittee is not required to obtain its beverages from
93 licensees under the Beverage Law, but it shall keep a strict
94 account of all such beverages sold within this state and shall
95 make monthly reports to the division on forms prepared and
96 furnished by the division. A permittee who sells on board the
97 vessel beverages withdrawn from United States Bureau of Customs
98 and Border Protection bonded storage on board the vessel may
99 satisfy such accounting requirement by supplying the division
100 with copies of the appropriate United States Bureau of Customs
101 and Border Protection forms evidencing such withdrawals as
102 importations under United States customs laws. Such permittee
103 shall pay to the state an excise tax for beverages sold pursuant
104 to this subsection ~~section~~, if such excise tax has not
105 previously been paid, in an amount equal to the tax which would
106 be required to be paid on such sales by a licensed manufacturer
107 or distributor. A vendor holding such permit shall pay the tax
108 monthly to the division at the same time he or she furnishes the
109 required report. Such report shall be filed on or before the
110 15th day of each month for the sales occurring during the
111 previous calendar month. The provisions of s. 213.21(7) are
112 applicable for all taxes administered under this subsection.

113 Section 4. This act shall take effect July 1, 2015.