

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Business & Professions
2 Subcommittee

3 Representative Avila offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 565.01, Florida Statutes, is amended to
8 read:

9 565.01 Definition; liquor.—The words "liquor," "distilled
10 spirits," "spirituous liquors," "spirituous beverages," or
11 "distilled spirituous liquors" mean that substance known as
12 ethyl alcohol, ethanol, or spirits of wine in any form,
13 including all dilutions and mixtures thereof from whatever
14 source or by whatever process produced. This definition includes
15 the term "powdered alcohol" or alcohol otherwise prepared in a
16 solid or powdered form for either direct use or consumption
17 after the powder is combined with a liquid.

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18 Section 2. Section 565.08, Florida Statutes, is amended to
19 read:

20 565.08 Labeling regulations; liquor.—The division is fully
21 authorized to make and promulgate reasonable rules and
22 regulations governing the labeling of all liquors containing 0.5
23 percent or more of alcohol by volume and all powdered alcohol
24 products, which rules and regulations shall not conflict with
25 the federal regulations pertaining to such labeling.

26 Section 3. Section 565.10, Florida Statutes, is amended to
27 read:

28 565.10 Distilled spirits container limit.—It is unlawful
29 for any distributor or vendor to sell or distribute distilled
30 spirits in any size container in excess of 1.75 liters or 59.18
31 ounces, or in any package of powered alcohol that when
32 appropriately mixed would produce more than 1.75 liters or 59.18
33 ounces of alcoholic beverage with a maximum proof as prescribed
34 in s. 565.07. The division is authorized to make reasonable
35 rules in accordance with chapter 120 governing the standards of
36 fill of distilled spirits containers, which rules shall not
37 conflict with or be more stringent than the federal regulations
38 pertaining to such standards of fill of distilled spirits
39 containers.

40 Section 4. Section 565.12, Florida Statutes, is amended to
41 read:

42 565.12 Excise tax on liquors and beverages.—

43 (1) As to beverages containing 17.259 percent or more of

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44 alcohol by volume and not more than 55.780 percent of alcohol by
45 volume, except wines, there shall be paid by every manufacturer
46 and distributor a tax at the rate of \$6.50 per gallon. As to
47 beverages containing less than 17.259 percent of alcohol by
48 volume, there shall be paid by every manufacturer and
49 distributor a tax at the rate provided in chapter 564.

50 (2) As to beverages containing more than 55.780 percent of
51 alcohol by volume, there shall be paid by every manufacturer and
52 distributor a tax at the rate of \$9.53 per gallon.

53 (3) As to powdered alcohol, there shall be paid by every
54 manufacturer or distributor a tax at a rate of \$9.53 per gallon.
55 The tax rate of \$9.53 per gallon shall be determined by applying
56 the rate to the amount of powdered product necessary to produce
57 a gallon of alcoholic beverage whose alcohol content would be
58 equal to 55.780 percent alcohol by volume.

59 (3) The excise taxes required to be paid by this section
60 are not required to be paid upon any alcoholic beverage sold to
61 a post exchange, ship service store, or base exchange located in
62 a military, naval, or air force reservation within this state.

63 (4) The department is authorized to adopt rules to
64 effectuate the provisions of this section.

65 Section 5. Section 565.18, Florida Statutes, is created to
66 read:

67 565.18 Powdered Alcohol Restrictions.-

68 (1) Powdered alcohol products may only be offered for sale
69 packaged in powdered form for consumption off the premises or

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70 use.

71 (2) Powdered alcohol may not be offered for sale for
72 consumption on-premises in powdered form; however, a business
73 that may otherwise offer distilled spirits for sale for
74 consumption on-premises may offer an alcoholic beverage that was
75 prepared with powdered alcohol, so long as the preparation is
76 entirely completed before the resulting beverage is served.

77 (3) SELF-SERVICE MERCHANDISING PROHIBITED.-

78 (a) "Self-service merchandising" means the open display of
79 powdered alcohol products, for direct retail consumer access and
80 handling before purchase without the intervention or assistance
81 of the retailer or the retailer's owner, employee, or agent. An
82 open display of such products includes the use of an open
83 display unit.

84 (b) A retailer that sells powdered alcohol products may not
85 sell, permit to be sold, offer for sale, or display for sale
86 such products by means of self-service merchandising.

87 (c) A retailer that sells powdered alcohol products may
88 not place such products or devices in an open display unit
89 unless the unit is located in an area that is inaccessible to
90 customers.

91 Section 6. This act shall take effect July 1, 2015.

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93

94 **T I T L E A M E N D M E N T**

95 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1247 (2015)

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96 A bill to be entitled
97 An act relating to alcoholic beverages; amending s. 565.01,
98 F.S.; defining powdered alcohol; amending s. 565.08, F.S.;
99 providing labeling requirements for powdered alcohol; amending
100 s. 565.10, F.S.; providing maximum size powdered alcohol
101 container; amending s. 565.12, F.S.; providing excise tax for
102 powdered alcohol; creating s. 565.18, F.S.; providing
103 restrictions on the sale of powdered alcohol products; providing
104 an effective date.