

CHAMBER ACTION

1 The Justice Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to alcoholic beverages; creating s.
7 562.61, F.S.; providing a definition of the term "alcohol-
8 vaporizing device"; prohibiting the sale, offer for sale,
9 purchase, or use of machines or devices which vaporize
10 alcohol; providing penalties; providing a fine; creating
11 s. 563.09, F.S.; permitting certain licensees to conduct
12 malt beverage tastings under certain conditions; providing
13 an effective date.

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

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17 Section 1. Section 562.61, Florida Statutes, is created to
18 read:

19 562.61 Sale, offer for sale, purchase, or use of alcohol-
20 vaporizing devices prohibited.--

21 (1) For purposes of this section, "alcohol-vaporizing
22 device" means any device, machine, or process which mixes
23 spirits, liquor, or other alcohol products with pure oxygen or

24 | other gas to produce a vaporized product for the purpose of
 25 | consumption by inhalation.

26 | (2) No person shall sell, offer for sale, purchase, or use
 27 | an alcohol-vaporizing device.

28 | (3)(a) Any person who violates this section by selling or
 29 | offering for sale an alcohol-vaporizing device commits a
 30 | misdemeanor of the first degree, punishable as provided in s.
 31 | 775.082 or s. 775.083. Any person who violates this section by
 32 | selling or offering for sale an alcohol-vaporizing device after
 33 | having been previously convicted of such an offense within the
 34 | past 5 years commits a felony of the third degree, punishable as
 35 | provided in s. 775.082 or s. 775.083.

36 | (b) Any person who violates this section by purchasing or
 37 | using an alcohol-vaporizing device shall be subject to a fine of
 38 | \$250.

39 | Section 2. Section 563.09, Florida Statutes, is created to
 40 | read:

41 | 563.09 Malt beverage tastings permitted; limitations.--

42 | (1) A licensee shall not conduct a malt beverage tasting
 43 | except as provided in this section.

44 | (2) A malt beverage tasting may be conducted:

45 | (a) On a licensed premises by a vendor who is licensed to
 46 | sell alcoholic beverages for consumption on those premises;

47 | (b) Within a fully enclosed building under a permanent
 48 | roof by a vendor who is licensed under s. 563.02(1)(a) or s.
 49 | 564.02(1)(a) with a licensed premises consisting of at least
 50 | 7,000 square feet of publicly accessible floor space; or

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51 (c) Within a fully enclosed building under a permanent
52 roof by a vendor who is licensed under s. 565.02(1)(a)
53 regardless of the amount of publicly accessible floor space.

54 (3) An importer, manufacturer, or distributor shall not
55 assist, by any gifts or loans of money or property of any
56 description or by the giving of any rebates of any kind, a
57 vendor who is licensed under s. 563.02(1)(a), s. 564.02(1)(a),
58 or s. 565.02(1)(a) in the conduct of a malt beverage tasting

59 Section 3. This act shall take effect July 1, 2005.