

1 A bill to be entitled

2 An act relating to alcoholic beverages; creating s.  
3 562.61, F.S.; providing a definition of the term "alcohol-  
4 vaporizing device"; prohibiting the sale, offer for sale,  
5 purchase, or use of machines or devices which vaporize  
6 alcohol; providing penalties; providing a fine; creating  
7 s. 563.09, F.S.; permitting certain vendors to conduct  
8 malt beverage tastings under certain conditions; providing  
9 an effective date.

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

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13 Section 1. Section 562.61, Florida Statutes, is created to  
14 read:

15 562.61 Sale, offer for sale, purchase, or use of alcohol-  
16 vaporizing devices prohibited.--

17 (1) For purposes of this section, "alcohol-vaporizing  
18 device" means any device, machine, or process which mixes  
19 spirits, liquor, or other alcohol products with pure oxygen or  
20 other gas to produce a vaporized product for the purpose of  
21 consumption by inhalation.

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

24 (3) (a) Any person who violates this section by selling or  
25 offering for sale an alcohol-vaporizing device commits a  
26 misdemeanor of the first degree, punishable as provided in s.  
27 775.082 or s. 775.083. Any person who violates this section by  
28 selling or offering for sale an alcohol-vaporizing device after

29 having been previously convicted of such an offense within the  
 30 past 5 years commits a felony of the third degree, punishable as  
 31 provided in s. 775.082 or s. 775.083.

32 (b) Any person who violates this section by purchasing or  
 33 using an alcohol-vaporizing device shall be subject to a fine of  
 34 \$250.

35 Section 2. Section 563.09, Florida Statutes, is created to  
 36 read:

37 563.09 Malt beverage tastings permitted; limitations.--

38 (1) A vendor shall not conduct a malt beverage tasting  
 39 except as provided in this section.

40 (2) A malt beverage tasting may be conducted:

41 (a) On a licensed premises by a vendor who is licensed to  
 42 sell alcoholic beverages for consumption on those premises;

43 (b) Within a fully enclosed building under a permanent  
 44 roof by a vendor who is licensed under s. 563.02(1)(a) or s.  
 45 564.02(1)(a) with a licensed premises consisting of at least  
 46 7,000 square feet of publicly accessible floor space; or

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

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

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