

By the Committee on Regulated Industries; and Senators
Haridopolos and Lynn

580-1781-05

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 creating s. 563.09, F.S.; permitting certain
9 licensees to conduct malt beverage tastings;
10 providing an effective date.

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

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

16 562.61 Sale, purchase, or use of alcohol-vaporizing
17 devices prohibited.--

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

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

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

1 years commits a felony of the third degree, punishable as
2 provided in s. 775.082 or s. 775.083.

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

6 Section 2. Section 563.09, Florida Statutes, is
7 created to read:

8 563.09 Malt beverage tastings permitted;
9 limitations.--

10 (1) Notwithstanding any provision of law to the
11 contrary, a licensee may conduct malt beverage tastings within
12 the interior structures of such licensed premises if the
13 tastings are limited to and directed toward the general public
14 of legal drinking age.

15 (2) This section does not apply to a licensee subject
16 to an annual state license tax under s. 563.02(1)(a) or s.
17 564.02(1)(a) operating a place of business with less than 5000
18 square feet of floor space.

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

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 794

24 The committee substitute (CS) provides that a person may not
25 sell a alcohol-vaporizing device. The CS also provides for
26 malt beverage tastings by alcoholic beverage licensees.
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