Florida Senate - 2005

CS for CS for SB 794

By the Committees on Criminal Justice; Regulated Industries; and Senators Haridopolos and Lynn

591-2298-05 1 A bill to be entitled 2 An act relating to alcoholic beverages; creating s. 562.61, F.S.; providing a 3 4 definition of the term "alcohol-vaporizing 5 devices"; prohibiting the sale, purchase, or б use of machines or devices which vaporize 7 alcohol; providing penalties; providing a fine; 8 providing an exception; creating s. 563.09, 9 F.S.; permitting certain licensees to conduct 10 malt beverage tastings; providing an effective 11 date. 12 13 Be It Enacted by the Legislature of the State of Florida: 14 Section 1. Section 562.61, Florida Statutes, is 15 16 created to read: 17 562.61 Sale, purchase, or use of alcohol-vaporizing 18 devices prohibited .--(1) For purposes of this section, "alcohol-vaporizing 19 device means any device, machine, or process that mixes 20 21 spirits, liquor, or other alcohol products with pure oxygen or 22 other gas to produce a vaporized product for the purpose of 23 consumption by inhalation. 2.4 (2) No person shall purchase, sell, offer for sale, or 25 use an alcohol-vaporizing device. (3)(a) Any person who violates the provisions of this 26 27 section by selling or offering for sale an alcohol-vaporizing 2.8 device commits a misdemeanor of the first degree, punishable 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

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1 previously convicted of such an offense within the past 5 2 years commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. 3 4 (b) Any person who violates this section by purchasing or using an alcohol-vaporizing device shall be subject to a 5 6 fine of \$250. 7 (4) This section does not apply to the administration 8 or prescription of a product that contains alcohol by a health care practitioner who is licensed under the laws of this state 9 10 or another state. Section 2. Section 563.09, Florida Statutes, is 11 12 created to read: 13 563.09 Malt beverage tastings permitted; limitations.--14 (1) A licensee shall not conduct a malt beverage 15 tasting except as provided in this section. 16 17 (2) A malt beverage tasting may be conducted: 18 (a) On a licensed premises by a vendor who is licensed to sell alcoholic beverages for consumption on those premises; 19 20 (b) Within a fully enclosed building under a permanent 21 roof by a vendor who is licensed under s. 563.02(1)(a) or s. 2.2 564.02(1)(a) with a licensed premises consisting of at least 23 7,000 square feet of publicly accessible floor space; or (c) Within a fully enclosed building under a permanent 2.4 roof by a vendor who is licensed under s. 565.02(1)(a) 25 regardless of the amount of publicly accessible floor space. 26 27 (2) An importer, manufacturer or distributor shall not 2.8 assist, by any gifts or loans of money or property of any description or by the giving of any rebates of any kind, a 29 30 vendor who is licensed under s. 563.02(1)(a), s. 564.02(1)(a), 31

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1 or s. 565.02(1)(a) in the conduct of a malt beverage tasting 2 and no such vendor may accept or receive such assistance. 3 Section 3. This act shall take effect July 1, 2005. 4 5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR б CS/SB 794 7 8 Limits malt beverage tastings to the following: on the licensed premises of a vendor who is licensed to sell 9 alcoholic beverages for consumption on the premises; within a fully enclosed building under a permanent roof 10 by a vendor who is licensed as a package store for malt beverages or a package store for malt, wine, and fortified wines (such as port or sherry) with a licensed 11 premises consisting of at least 7,000 square feet of publicly accessible floor space; or within a fully enclosed building under a permanent roof by a vendor who 12 13 is licensed as a package store regardless of the amount of publicly accessible floor space. 14 Prohibits an importer, manufacturer, or distributor from assisting, by any gifts or loans of money or property of 15 any description or by the giving of any rebates of any kind, a vendor who is licensed to sell malt beverages under s. 563.02(1)(a), F.S., malt, wines, and fortified wines under s. 564.02(1)(a), F.S., or any alcoholic beverages regardless of alcoholic content under s. 16 17 18 565.02(1)(a), F.S., in the conduct of a malt beverage tasting and the vendor may not accept or receive such 19 assistance. 20 21 2.2 23 2.4 25 26 27 28 29 30 31

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