

1 previously convicted of such an offense within the past 5
2 years commits a felony of the third degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 (b) Any person who violates this section by purchasing
5 or using an alcohol-vaporizing device shall be subject to a
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
9 care practitioner who is licensed under the laws of this state
10 or another state.

11 Section 2. Section 563.09, Florida Statutes, is
12 created to read:

13 563.09 Malt beverage tastings permitted;
14 limitations.--

15 (1) A licensee shall not conduct a malt beverage
16 tasting except as provided in this section.

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

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

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.
22 564.02(1)(a) with a licensed premises consisting of at least
23 7,000 square feet of publicly accessible floor space; or

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

27 (2) An importer, manufacturer or distributor shall not
28 assist, by any gifts or loans of money or property of any
29 description or by the giving of any rebates of any kind, a
30 vendor who is licensed under s. 563.02(1)(a), s. 564.02(1)(a),
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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.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 CS/SB 794

- 8 - Limits malt beverage tastings to the following: on the
9 licensed premises of a vendor who is licensed to sell
10 alcoholic beverages for consumption on the premises;
11 within a fully enclosed building under a permanent roof
12 by a vendor who is licensed as a package store for malt
13 beverages or a package store for malt, wine, and
14 fortified wines (such as port or sherry) with a licensed
15 premises consisting of at least 7,000 square feet of
16 publicly accessible floor space; or within a fully
17 enclosed building under a permanent roof by a vendor who
18 is licensed as a package store regardless of the amount
19 of publicly accessible floor space.
- 20 - Prohibits an importer, manufacturer, or distributor from
21 assisting, by any gifts or loans of money or property of
22 any description or by the giving of any rebates of any
23 kind, a vendor who is licensed to sell malt beverages
24 under s. 563.02(1)(a), F.S., malt, wines, and fortified
25 wines under s. 564.02(1)(a), F.S., or any alcoholic
26 beverages regardless of alcoholic content under s.
27 565.02(1)(a), F.S., in the conduct of a malt beverage
28 tasting and the vendor may not accept or receive such
29 assistance.
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