

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, the term "alcohol
 18 vaporizing device" means any device, machine, or process which
 19 mixes spirits, liquor, or other alcohol products with pure
 20 oxygen or other gas to produce a vaporized product for the
 21 purpose of consumption by inhalation.

22 (2) A person may not sell, offer for sale, purchase, or
 23 use 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 may 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 may 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, 2006.