

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Avila offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 562.62, Florida Statutes, is created to
6 read:

7 562.62 Sale of powdered alcohol to consumers prohibited;
8 penalties.-

9 (1) A person may not sell or provide to a consumer an
10 alcoholic beverage that is intended for human consumption and is
11 in powdered form.

12 (2) A person who violates subsection (1) commits a
13 misdemeanor of the first degree, punishable as provided in s.
14 775.082 or s. 775.083. A person who violates subsection (1)

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15 after having been previously convicted of such an offense within
16 the past 5 years commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

18 (3) A manufacturer licensed under the Beverage Law may
19 manufacture and possess an alcoholic beverage in a powdered
20 form. A licensed manufacturer may sell or otherwise transport
21 alcohol in a powdered form to a licensed manufacturer or
22 licensed distributor in this state, an entity authorized to
23 possess powdered alcohol pursuant to subsection (6), or an
24 entity in a jurisdiction outside of this state where the
25 possession of powdered alcohol is not prohibited under the laws
26 and regulations of that jurisdiction.

27 (4) A licensed manufacturer, its agent or employee, or a
28 common carrier acting on behalf of the licensed manufacturer,
29 may possess powdered alcohol in this state for transport into,
30 through, or out of the state. A licensed manufacturer may
31 purchase, acquire, or otherwise possess alcohol in a powdered
32 form. A licensed manufacturer may use powdered alcohol to
33 manufacture an alcoholic beverage that may be sold in this
34 state, so long as the alcoholic beverage is not sold or provided
35 to consumers in a powdered form.

36 (5) A licensed distributor may purchase or possess
37 powdered alcohol in this state, so long as the powdered alcohol
38 is not sold or provided to consumers or vendors in this state.

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39 (6) The following entities may possess and purchase
40 powdered alcohol in this state for purposes of conducting
41 academic or other research:

42 (a) A health care provider that operates primarily for the
43 purpose of conducting scientific research.

44 (b) A state institution.

45 (c) A state university or private college or university.

46 (d) A pharmaceutical or biotechnology company.

47 (7) This section is repealed July 1, 2016, unless reviewed
48 and saved from repeal by the Legislature.

49 Section 2. Section 564.05, Florida Statutes, is amended to
50 read:

51 564.05 Limitation of size of individual wine containers;
52 penalty.—It is unlawful for a person to sell within this state
53 wine in an individual container holding more than 1 gallon of
54 such wine, unless such wine is in a reusable container holding
55 5.16 gallons or such wine is sparkling wine or champagne and is
56 in an individual container holding 6.0 or 9.0 liters. However,
57 qualified distributors and manufacturers may sell wine to other
58 qualified distributors or manufacturers in any size container.
59 Except as provided in s. 564.09, wine sold or offered for sale
60 by a licensed vendor to be consumed off the premises shall be in
61 the unopened original container. A person convicted of a
62 violation of this section commits a misdemeanor of the second
63 degree, punishable as provided in s. 775.082 or s. 775.083.

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64 Section 3. Subsection (9) of section 565.02, Florida
65 Statutes, is amended to read:

66 (9) (a) It is the finding of the Legislature that passenger
67 vessels engaged exclusively in foreign commerce are susceptible
68 to a distinct and separate classification for purposes of the
69 sale of alcoholic beverages under the Beverage Law. Upon the
70 filing of an application and payment of an annual fee of \$1,100,
71 the director is authorized to issue a permit authorizing the
72 operator, or, if applicable, his or her concessionaire, of a
73 passenger vessel which has cabin-berth capacity for at least 75
74 passengers, and which is engaged exclusively in foreign
75 commerce, to sell alcoholic beverages on the vessel for
76 consumption on board only:

77 1. (a) During a period not in excess of 24 hours before
78 ~~prior to~~ departure while the vessel is moored at a dock or wharf
79 in a port of this state; or

80 2. (b) At any time while the vessel is located in Florida
81 territorial waters and is in transit to or from international
82 waters.

83 (b) One such permit shall be required for each such vessel
84 and shall name the vessel for which it is issued. No license
85 shall be required or tax levied by any municipality or county
86 for the privilege of selling beverages for consumption on board
87 such vessels. The beverages so sold may be purchased outside the
88 state by the permittee, and the same shall not be considered as
89 imported for the purposes of s. 561.14(3) solely because of such

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90 sale. The permittee is not required to obtain its beverages from
91 licensees under the Beverage Law, but it shall keep a strict
92 account of all such beverages sold within this state and shall
93 make monthly reports to the division on forms prepared and
94 furnished by the division. A permittee who sells on board the
95 vessel beverages withdrawn from United States Bureau of Customs
96 and Border Protection bonded storage on board the vessel may
97 satisfy such accounting requirement by supplying the division
98 with copies of the appropriate United States Bureau of Customs
99 and Border Protection forms evidencing such withdrawals as
100 importations under United States customs laws. Such permittee
101 shall pay to the state an excise tax for beverages sold pursuant
102 to this section, if such excise tax has not previously been
103 paid, in an amount equal to the tax which would be required to
104 be paid on such sales by a licensed manufacturer or distributor.
105 A vendor holding such permit shall pay the tax monthly to the
106 division at the same time he or she furnishes the required
107 report. Such report shall be filed on or before the 15th day of
108 each month for the sales occurring during the previous calendar
109 month.

110 (c) When a taxpayer voluntarily self-discloses a liability
111 for tax to the department, the department may settle and
112 compromise the tax and interest due under the voluntary self-
113 disclosure to those amounts due for the 3 years immediately
114 preceding the date that the taxpayer initially contacts the
115 department concerning the voluntary self-disclosure. For

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116 purposes of this paragraph, the term "years" means tax years or
117 calendar years, whichever is applicable to the voluntarily self-
118 disclosed tax. A voluntary self-disclosure does not occur if the
119 department has contacted or informed the taxpayer that the
120 department is inquiring into the taxpayer's liability for tax or
121 whether the taxpayer is subject to tax in this state.

122 1. The department may further settle and compromise the
123 tax and interest due under a voluntary self-disclosure when the
124 department is able to determine that such further settlement and
125 compromise is in the best interests of this state. When making
126 this determination the department shall consider, but is not
127 limited to, the following:

128 a. The amount of tax and interest that will be collected
129 and compromised under the voluntary self-disclosure.

130 b. The financial ability of the taxpayer and the future
131 outlook of the taxpayer's business and the industry involved.

132 c. Whether the taxpayer has paid or will be paying other
133 taxes to the state.

134 d. The future voluntary compliance of the taxpayer.

135 e. Any other factor that the department considers relevant
136 to this determination.

137 2. This subsection does not limit the department's
138 authority to enter into further settlement and compromise of the
139 liability that is voluntarily self-disclosed pursuant to any
140 other provision of this section.

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141 3. This subsection does not apply to a voluntary self-
142 disclosure when the taxpayer collected, but failed to remit, the
143 tax to the state.

144 Section 4. This act shall take effect July 1, 2015.

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T I T L E A M E N D M E N T

147 Remove everything before the enacting clause and insert:

148 A bill to be entitled

149 An act relating to alcoholic beverages; creating s.
150 562.62, F.S.; prohibiting the sale or provision to
151 consumers of alcoholic beverages in powdered form;
152 providing penalties; authorizing the manufacture and
153 possession in the state, and the sale and
154 transportation, of powdered alcohol by licensed
155 manufacturers to specified entities; authorizing the
156 possession of powdered alcohol in the state by
157 specified entities for transport into, through, or out
158 of the state; authorizing the purchase or possession
159 of powdered alcohol in this state by licensed
160 distributors, with an exception; authorizing specified
161 entities conducting academic or other research to
162 possess powdered alcohol; providing for future
163 legislative review and repeal; amending s. 564.05,
164 F.S.; exempting sparkling wine and champagne in
165 certain containers from a specified volume
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167 restriction; amending s. 565.02, F.S.; authorizing the
168 Department of Business and Professional Regulation to
169 settle Beverage Law taxes that are voluntarily self-
170 disclosed by taxpayers; providing applicability;
171 providing an effective date.

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