

2015998e1

1 A bill to be entitled
2 An act relating to alcoholic beverages; creating s.
3 562.63, F.S.; defining the term "powdered alcohol";
4 prohibiting the sale, offer for sale, purchase, use,
5 offer for use, or possession of powdered alcohol;
6 providing penalties; providing an exemption for the
7 use of powdered alcohol by specified entities for
8 research purposes; providing an exemption for the
9 possession of powdered alcohol solely for the purpose
10 of transportation through this state by specified
11 entities; providing an expiration date; amending s.
12 564.05, F.S.; exempting sparkling wine and champagne
13 from a specified volume restriction; amending s.
14 565.02, F.S.; requiring the calculation of a specified
15 excise tax to be based on the advertised volume per
16 drink; providing applicability; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 562.63, Florida Statutes, is created to
22 read:

23 562.63 Powdered alcohol; prohibited sale, offer for sale,
24 purchase, use, offer for use, or possession.—

25 (1) As used in this section, the term "powdered alcohol"
26 means alcohol prepared in a powdered form for either direct use
27 or consumption after the powder is combined with a liquid.

28 (2) A person may not sell, offer for sale, purchase, use,
29 offer for use, or possess powdered alcohol.

2015998e1

30 (3) A vendor licensed under s. 565.02(1)(a)-(f) may not
31 sell or offer for sale powdered alcohol.

32 (4)(a) A person who violates this section by selling or
33 offering for sale powdered alcohol commits a misdemeanor of the
34 first degree, punishable as provided in s. 775.082 or s.
35 775.083.

36 (b) A person who violates this section by purchasing,
37 using, offering for use, or possessing powdered alcohol commits
38 a noncriminal violation, punishable by a fine of \$250.

39 (5) This section does not apply to the use of powdered
40 alcohol for research purposes by a:

41 (a) Health care provider that operates primarily for the
42 purpose of conducting scientific research;

43 (b) State institution;

44 (c) State university or private college or university; or

45 (d) Pharmaceutical or biotechnology company.

46 (6) This section does not apply to the possession of
47 powdered alcohol solely for the purpose of transportation
48 through this state by a licensed manufacturer or a common
49 carrier on behalf of a licensed manufacturer.

50 (7) This section expires July 1, 2017.

51 Section 2. Section 564.05, Florida Statutes, is amended to
52 read:

53 564.05 Limitation of size of individual wine containers;
54 penalty.—It is unlawful for a person to sell within this state
55 wine in an individual container holding more than 1 gallon of
56 such wine, unless such wine is in a reusable container holding
57 5.16 gallons or such wine is sparkling wine or champagne and is
58 in an individual container holding 6.0 or 9.0 liters. However,

2015998e1

59 qualified distributors and manufacturers may sell wine to other
60 qualified distributors or manufacturers in any size container.
61 Except as provided in s. 564.09, wine sold or offered for sale
62 by a licensed vendor to be consumed off the premises shall be in
63 the unopened original container. A person convicted of a
64 violation of this section commits a misdemeanor of the second
65 degree, punishable as provided in s. 775.082 or s. 775.083.

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

68 565.02 License fees; vendors; clubs; caterers; and others.—

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

80 (a) During a period not in excess of 24 hours prior to
81 departure while the vessel is moored at a dock or wharf in a
82 port of this state; or

83 (b) At any time while the vessel is located in Florida
84 territorial waters and is in transit to or from international
85 waters.

86
87 One such permit shall be required for each such vessel and shall

2015998e1

88 name the vessel for which it is issued. No license shall be
89 required or tax levied by any municipality or county for the
90 privilege of selling beverages for consumption on board such
91 vessels. The beverages so sold may be purchased outside the
92 state by the permittee, and the same shall not be considered as
93 imported for the purposes of s. 561.14(3) solely because of such
94 sale. The permittee is not required to obtain its beverages from
95 licensees under the Beverage Law, but it shall keep a strict
96 account of all such beverages sold within this state and shall
97 make monthly reports to the division on forms prepared and
98 furnished by the division. A permittee who sells on board the
99 vessel beverages withdrawn from United States Bureau of Customs
100 and Border Protection bonded storage on board the vessel may
101 satisfy such accounting requirement by supplying the division
102 with copies of the appropriate United States Bureau of Customs
103 and Border Protection forms evidencing such withdrawals as
104 importations under United States customs laws. Such permittee
105 shall pay to the state an excise tax for beverages sold pursuant
106 to this section, if such excise tax has not previously been
107 paid, in an amount equal to the tax which would be required to
108 be paid on such sales by a licensed manufacturer or distributor.
109 The calculation of excise tax due under this section must be
110 based on the advertised volume per drink. A vendor holding such
111 permit shall pay the tax monthly to the division at the same
112 time he or she furnishes the required report. Such report shall
113 be filed on or before the 15th day of each month for the sales
114 occurring during the previous calendar month. The provisions of
115 s. 213.21(7) are applicable for all taxes administered by the
116 department under this section.

2015998e1

117

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