

By the Committee on Regulated Industries

315-255-00

1 A bill to be entitled
2 An act relating to the size of individual
3 containers of malt beverages; amending s.
4 563.06, F.S.; removing current restrictions on
5 containers under a specified size; providing an
6 effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Section 563.06, Florida Statutes, is
11 amended to read:

12 563.06 Malt beverages; imprint on individual
13 container; size of containers; exemptions.--

14 (1) On and after October 1, 1959, all taxable malt
15 beverages packaged in individual containers possessed by any
16 person in the state for the purpose of sale or resale in the
17 state, except operators of railroads, sleeping cars,
18 steamships, buses, and airplanes engaged in interstate
19 commerce and licensed under this section, shall have imprinted
20 thereon in clearly legible fashion by any permanent method the
21 word "Florida" or "FL" and no other state name or abbreviation
22 of any state name in not less than 8-point type. The word
23 "Florida" or "FL" shall appear first or last, if imprinted in
24 conjunction with any manufacturer's code. A facsimile of the
25 imprinting and its location as it will appear on the
26 individual container shall be submitted to the division for
27 approval.

28 (2) Nothing herein contained shall require such
29 designation to be attached to individual containers of malt
30 beverages which are transported through this state and which
31 are not sold, delivered, or stored for sale therein, if

1 transported in accordance with such rules and regulations as
2 adopted by the division; nor shall this requirement apply to
3 malt beverages packaged in individual containers and held on
4 the premises of a brewer or bottler, which malt beverages are
5 for sale and delivery to persons outside the state.

6 (3) Possession by any person in the state, except as
7 otherwise provided herein, of more than 4 1/2 gallons of malt
8 beverages in individual containers which do not have the word
9 "Florida" or "FL" as herein provided, shall be prima facie
10 evidence that said malt beverage is possessed for the purpose
11 of sale or resale.

12 (4) Except as otherwise provided herein, any malt
13 beverages in individual containers held or possessed in the
14 state for the purpose of sale or resale within the state which
15 do not bear the word "Florida" or "FL" thereon shall, at the
16 direction of the division, be confiscated in accordance with
17 the provisions of the Beverage Law.

18 (5)(a) Nothing contained in this section shall require
19 that malt beverages packaged in individual containers and
20 possessed by any person in the state for purposes of sale or
21 resale in the state have imprinted thereon the word "Florida"
22 or "FL" if the manufacturer of the malt beverages can
23 establish before the division that the manufacturer has a
24 tracking system in place, by use of code or otherwise, which
25 enables the manufacturer, with at least 85 percent reliability
26 by July 1, 1996, and 90 percent reliability by January 1,
27 2000, to identify the following:

28 1. The place where individual containers of malt
29 beverages were produced;

30 2. The state into which the individual containers of
31 malt beverages were shipped; and

1 3. The individual distributors within the state which
2 received the individual containers of malt beverages.

3 (b) Prior to shipping individual containers of malt
4 beverages into the state which do not have the word "Florida"
5 or "FL" imprinted thereon, the manufacturer must file an
6 application with the division to claim the exemption contained
7 herein and must obtain approval from the division to ship
8 individual containers of malt beverages into the state which
9 do not have the word "Florida" or "FL" imprinted thereon.
10 Information furnished by the manufacturer to establish the
11 criteria contained within paragraph (a) may be subject to an
12 annual audit and verification by the division. The division
13 may revoke an approved exemption if the manufacturer refuses
14 to furnish the information required in paragraph (a) upon
15 request of the division, or if the manufacturer fails to
16 permit a subsequent verification audit, or if the manufacturer
17 fails to fully cooperate with the division during the
18 conducting of an audit.

19 (c) When a distributor has information that malt
20 beverages may have been shipped into Florida on which payment
21 of Florida excise taxes has not been made, such information
22 may be provided to the division and the division shall
23 investigate to ascertain whether any violations of Florida law
24 have occurred.

25 (6) All malt beverages packaged in individual
26 containers sold or offered for sale by vendors at retail in
27 this state shall be in individual containers containing no
28 more than ~~only 8, 12, 16, or~~ 32 ounces of such malt beverages;
29 provided, however, that nothing contained in this section
30 shall affect malt beverages packaged in bulk or in kegs or in
31 barrels or in any individual container containing 1 gallon or

1 more of such malt beverage regardless of individual container
2 type.

3 (7) Any person, firm, or corporation, its agents,
4 officers or employees, violating any of the provisions of this
5 section, shall be guilty of a misdemeanor of the first degree,
6 punishable as provided in s. 775.082 or s. 775.083; and the
7 license, if any, shall be subject to revocation or suspension
8 by the division.

9 Section 2. This act shall take effect October 1, 2000.

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SENATE SUMMARY

Allows malt beverages to be sold in any size individual
container of 32 ounces or less.