

Bill No. CS for SB 2542

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Lee moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 17, between lines 10 and 11,		
15			
16	insert:		
17	Section 12. Section 563.06, Florida Statutes, is		
18	amended to read:		
19	563.06 Malt beverages; imprint on individual		
20	container; size of containers; exemptions.--		
21	(1) On and after October 1, 1959, all taxable malt		
22	beverages packaged in individual containers possessed by any		
23	person in the state for the purpose of sale or resale in the		
24	state, except operators of railroads, sleeping cars,		
25	steamships, buses, and airplanes engaged in interstate		
26	commerce and licensed under this section, shall have imprinted		
27	thereon in clearly legible fashion by any permanent method the		
28	word "Florida" or "FL" and no other state name or abbreviation		
29	of any state name in not less than 8-point type. The word		
30	"Florida" or "FL" shall appear first or last, if imprinted in		
31	conjunction with any manufacturer's code. A facsimile of the		

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1 imprinting and its location as it will appear on the
2 individual container shall be submitted to the division for
3 approval.

4 (2) Nothing herein contained shall require such
5 designation to be attached to individual containers of malt
6 beverages which are transported through this state and which
7 are not sold, delivered, or stored for sale therein, if
8 transported in accordance with such rules and regulations as
9 adopted by the division; nor shall this requirement apply to
10 malt beverages packaged in individual containers and held on
11 the premises of a brewer or bottler, which malt beverages are
12 for sale and delivery to persons outside the state.

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

19 (4) Except as otherwise provided herein, any malt
20 beverages in individual containers held or possessed in the
21 state for the purpose of sale or resale within the state which
22 do not bear the word "Florida" or "FL" thereon shall, at the
23 direction of the division, be confiscated in accordance with
24 the provisions of the Beverage Law.

25 (5)(a) Nothing contained in this section shall require
26 that malt beverages packaged in individual containers and
27 possessed by any person in the state for purposes of sale or
28 resale in the state have imprinted thereon the word "Florida"
29 or "FL" if the manufacturer of the malt beverages can
30 establish before the division that the manufacturer has a
31 tracking system in place, by use of code or otherwise, which

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1 enables the manufacturer, with at least 85 percent reliability
2 by July 1, 1996, and 90 percent reliability by January 1,
3 2000, to identify the following:

4 1. The place where individual containers of malt
5 beverages were produced;

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

8 3. The individual distributors within the state which
9 received the individual containers of malt beverages.

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

26 (c) When a distributor has information that malt
27 beverages may have been shipped into Florida on which payment
28 of Florida excise taxes has not been made, such information
29 may be provided to the division and the division shall
30 investigate to ascertain whether any violations of Florida law
31 have occurred.

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1 (6) All malt beverages packaged in individual
 2 containers sold or offered for sale by vendors at retail in
 3 this state shall be in individual containers containing no
 4 more than ~~only 8, 12, 16, or~~ 32 ounces of such malt beverages;
 5 provided, however, that nothing contained in this section
 6 shall affect malt beverages packaged in bulk or in kegs or in
 7 barrels or in any individual container containing 1 gallon or
 8 more of such malt beverage regardless of individual container
 9 type.

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

16
 17 (Redesignate subsequent sections.)

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

21 And the title is amended as follows:

22 On page 2, line 6, after the semicolon

23

24 insert:

25 amending s. 563.06, F.S.; removing current
 26 restrictions on containers under a specified
 27 size;

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