

By Representative Bitner

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.