

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Business & Professional
 2 Regulation Subcommittee
 3 Representative Steube offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsections (2) and (3) of section 561.221,
 8 Florida Statutes, are amended to read:

9 561.221 Retail exceptions to manufacturing licenses;
 10 brewing exceptions to vendor licenses ~~Licensing of manufacturers~~
 11 ~~and distributors as vendors and of vendors as manufacturers;~~
 12 conditions and limitations.-

13 (2) A manufacturer of malt beverages that is licensed and
 14 engaged in the manufacture of malt beverages in this state may
 15 sell directly to consumers in face-to-face transactions, which,
 16 notwithstanding s. 561.57(1), requires the physical presence of
 17 the consumer to make payment for and take receipt of the

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18 beverages on the licensed manufacturing premises, as follows:

19 (a) At a taproom, a manufacturer may sell malt beverages
20 brewed by the manufacturer to consumers for on-premises or off-
21 premises consumption without obtaining a vendor's license. A
22 manufacturer of malt beverages shall comply with the following
23 requirements related to its taproom:

24 1. The taproom must be a room or rooms located on the
25 licensed manufacturing premises consisting of a single complex,
26 which shall include a brewery. Such premises may be divided by
27 no more than one public street or highway. The taproom shall be
28 included on the sketch or diagram defining the licensed premises
29 submitted with the manufacturer's license application pursuant
30 to s. 561.01(11). All sketch or diagram revisions by the
31 manufacturer must be approved by the division, verifying that
32 the taproom operated by the licensed manufacturer is owned or
33 leased by the manufacturer and is located on the licensed
34 manufacturing premises.

35 2. At least 70 percent by volume of the malt beverages
36 sold or given to consumers per calendar year in the taproom must
37 be brewed on the licensed manufacturing premises. No more than
38 30 percent by volume of the malt beverages sold or given to
39 consumers per calendar year in the taproom may be brewed by the
40 manufacturer at other manufacturing premises and shipped to the
41 licensed manufacturing premises pursuant to s. 563.022(14)(d).

42 3. Malt beverages may be sold to consumers in the taproom
43 for off-premises consumption in authorized containers pursuant

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44 to s. 563.06(6) and (7).

45 4. A manufacturer of malt beverages is responsible for
46 applicable reports pursuant to ss. 561.50 and 561.55 with
47 respect to the amount of malt beverage sold or given to
48 consumers in the taproom each month and shall pay applicable
49 excise taxes thereon to the division by the 10th day of each
50 month for the previous month.

51 5. This paragraph does not preclude a licensed
52 manufacturer of malt beverages that operates a taproom from
53 holding a permanent public food service establishment license
54 under chapter 509 at the taproom.

55 6. A manufacturer may not hold a vendor's license at a
56 licensed manufacturing premises that operates a taproom pursuant
57 to this paragraph.

58 (b) In lieu of a taproom, on or after July 1, 2014, the
59 division ~~may is authorized to~~ issue vendor's licenses to a
60 manufacturer of malt beverages at no more than two licensed
61 manufacturing premises for which the manufacturer has an
62 interest, directly or indirectly, in the license if the
63 manufacturer meets the following requirements:

64 1. A licensed manufacturer may obtain one vendor's license
65 at no more than two of the licensed manufacturing premises for
66 which the manufacturer has an interest, directly or indirectly,
67 in the license. Any additional licensed manufacturing premises
68 for which the manufacturer has an interest, directly or
69 indirectly, in the license may operate a taproom without a

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70 vendor's license pursuant to paragraph (a).

71 2. The vendor's license shall be located on the licensed
72 manufacturing premises consisting of a single complex, which
73 shall include a brewery. Such premises may be divided by no more
74 than one public street or highway. The licensed vendor premises
75 shall be included on the sketch or diagram defining the licensed
76 premises submitted with the manufacturer's license application
77 pursuant to s. 561.01(11). All sketch or diagram revisions by
78 the manufacturer must be approved by the division, verifying
79 that the vendor premises operated by the licensed manufacturer
80 is owned or leased by the manufacturer and is located on the
81 licensed manufacturing premises.

82 3. The manufacturer may sell alcoholic beverages under its
83 vendor's license as follows:

84 a. Malt beverages manufactured on the licensed
85 manufacturing premises or at another licensed manufacturing
86 premises for which the manufacturer has an interest, directly or
87 indirectly, in the license for:

88 (I) On-premises consumption.

89 (II) Off-premises consumption in authorized containers
90 pursuant to s. 563.06(6).

91 (III) Off-premises consumption in growlers pursuant to s.
92 563.06(7).

93 b. Malt beverages manufactured exclusively by other
94 manufacturers for:

95 (I) On-premises consumption.

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96 (II) Off-premises consumption in authorized containers
97 pursuant to s. 563.06(6).

98 (III) Off-premises consumption in growlers pursuant to s.
99 563.06(7) by holders of a quota license.

100 c. Any wine or liquor for on-premises or off-premises
101 consumption as authorized under its vendor's license.

102 4. A manufacturer of malt beverages pursuant to this
103 subsection is responsible for applicable reports pursuant to ss.
104 561.50 and 561.55 with respect to the amount of malt beverages
105 manufactured and sold pursuant to its vendor's license, or given
106 to consumers each month, and shall pay applicable excise taxes
107 thereon to the division by the 10th day of each month for the
108 previous month.

109 5. This paragraph does not preclude a licensed
110 manufacturer of malt beverages with a vendor's license from
111 holding a permanent public food service establishment license
112 under chapter 509 on the licensed manufacturing premises.

113 6. An entity that has applied for a manufacturer's and
114 vendor's license at more than two licensed manufacturing
115 premises pursuant to this paragraph before March 15, 2014, or
116 has been issued a manufacturer's and vendor's license at more
117 than two licensed manufacturing premises pursuant to this
118 paragraph before July 1, 2014, may maintain the licenses
119 previously obtained or received based on the application prior
120 to March 15, 2014, but may not obtain or apply for additional
121 vendor's licenses. However, except as to the allowance for

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122 manufacturers holding a vendor's license at more than two
123 licensed manufacturing premises before July 1, 2014, a vendor's
124 license held by a manufacturer of malt beverages pursuant to
125 this paragraph, regardless of when first obtained, is subject to
126 the requirements of subparagraphs 1.-5.

127 7. An entity with direct or indirect interests in vendor
128 licenses issued to not more than two licensed manufacturing
129 premises under this paragraph may not be related, directly or
130 indirectly, to any other entities having interests, directly or
131 indirectly, in other vendor licenses issued to other separate
132 manufacturing premises. This subparagraph prohibits the creation
133 of a chain of more than two vendor licensed manufacturing
134 premises under common control of entities having direct or
135 indirect interests in such vendor licensed manufacturing
136 premises. This subparagraph does not prohibit the purchase or
137 ownership of stock in a publicly traded corporation where the
138 licensee does not have and does not obtain a controlling
139 interest in the corporation. For entities lawfully operating
140 with more than two licensed manufacturing premises with vendor
141 licenses pursuant to subparagraph 6, the limit of two is
142 replaced with the actual number of manufacturing premises with
143 vendor licenses the entity operates, even if such manufacturer
144 is also licensed as a distributor, for the sale of alcoholic
145 beverages on property consisting of a single complex, which
146 property shall include a brewery and such other structures which
147 promote the brewery and the tourist industry of the state.

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148 ~~However, such property may be divided by no more than one public~~
149 ~~street or highway.~~

150 (3) The division may issue a manufacturer's license and a
151 vendor's license to a brewpub. To operate as a brewpub, the
152 following requirements must be met:

153 ~~(a) Notwithstanding other provisions of the Beverage Law,~~
154 ~~any vendor licensed in this state may be licensed as a~~
155 ~~manufacturer of malt beverages upon a finding by the division~~
156 ~~that:~~

157 1. The brewpub vendor must will be engaged in brewing malt
158 beverages at a single licensed brewpub premises location and in
159 an amount that does ~~which will~~ not exceed 10,000 kegs per
160 calendar year. For purposes of this paragraph subsection, the
161 term "keg" means 15.5 gallons.

162 (b) A brewpub may sell alcoholic beverages in a face-to-
163 face transaction with a consumer as follows:

164 1. Malt beverages manufactured on the licensed brewpub
165 premises for on-premises consumption.

166 2. Malt beverages manufactured exclusively by other
167 manufacturers for on-premises consumption as authorized under
168 its vendor's license.

169 3. Any wine or liquor for on-premises consumption as
170 authorized under its vendor's license.

171 (c) A brewpub may not ship malt beverages to or between
172 licensed brewpub premises owned by the licensed entity. A
173 brewpub is not a manufacturer for the purposes of s.

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174 563.022(14)(d).175 (d) A brewpub may not distribute or sell malt beverages
176 outside of the licensed brewpub premises.177 (e) A brewpub must hold a permanent public food service
178 establishment license under chapter 509.179 ~~2. The malt beverages so brewed will be sold to consumers~~
180 ~~for consumption on the vendor's licensed premises or on~~
181 ~~contiguous licensed premises owned by the vendor.~~182 ~~(f)(b) A brewpub is Any vendor which is also licensed as a~~
183 ~~manufacturer of malt beverages pursuant to this subsection shall~~
184 ~~be responsible for applicable reports pursuant to ss. 561.50 and~~
185 ~~561.55 with respect to the amount of beverage manufactured each~~
186 ~~month and shall pay applicable excise taxes thereon to the~~
187 ~~division by the 10th day of each month for the previous month.~~188 ~~(g)(e) A It shall be unlawful for any licensed distributor~~
189 ~~of malt beverages or any officer, agent, or other representative~~
190 ~~thereof may not to discourage or prohibit a brewpub any vendor~~
191 ~~licensed as a manufacturer under this subsection from offering~~
192 ~~malt beverages brewed for consumption on the licensed premises~~
193 ~~of the brewpub vendor.~~194 ~~(h)(d) A It shall be unlawful for any manufacturer of malt~~
195 ~~beverages or any officer, agent, or other representative thereof~~
196 ~~may not to take any action to discourage or prohibit a any~~
197 ~~distributor of the manufacturer's product from distributing such~~
198 ~~product to a brewpub licensed vendor which is also licensed as a~~
199 ~~manufacturer of malt beverages pursuant to this subsection.~~

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200 Section 2. Subsection (1) of section 561.5101, Florida
201 Statutes, is amended to read:

202 561.5101 Come-to-rest requirement; exceptions; penalties.—

203 (1) For purposes of inspection and tax-revenue control,
204 all malt beverages, except those manufactured and sold pursuant
205 to s. 561.221(2) or (3) ~~561.221(3)~~, must come to rest at the
206 licensed premises of an alcoholic beverage wholesaler in this
207 state before being sold to a vendor by the wholesaler. The
208 prohibition contained in this subsection does not apply to the
209 shipment of malt beverages commonly known as private labels. The
210 prohibition contained in this subsection shall not prevent a
211 manufacturer from shipping malt beverages for storage at a
212 bonded warehouse facility, provided that such malt beverages are
213 distributed as provided in this subsection or to an out-of-state
214 entity.

215 Section 3. Subsection (6) of section 561.57, Florida
216 Statutes, is amended to read:

217 561.57 Deliveries by licensees.—

218 (6) Common carriers are not required to have vehicle
219 permits to transport alcoholic beverages. Common carriers may
220 not make deliveries of malt beverages directly to a consumer.

221 Section 4. Subsections (1) and (3) of section 562.34,
222 Florida Statutes, are amended to read:

223 562.34 Containers; seizure and forfeiture.—

224 (1) ~~A It shall be unlawful for any person~~ may not ~~to~~ have
225 in her or his possession, custody, or control any cans, jugs,

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226 jars, bottles, vessels, or any other type of containers which
227 are being used, are intended to be used, or are known by the
228 possessor to have been used to bottle or package alcoholic
229 beverages; however, this subsection does ~~provision shall~~ not
230 apply to a ~~any~~ person properly licensed to bottle or package
231 such alcoholic beverages, a ~~or to any~~ person intending to
232 dispose of such containers to a person, firm, or corporation
233 properly licensed to bottle or package such alcoholic beverages,
234 or a person who has in her or his possession, custody, or
235 control a growler as defined in s. 563.06(7).

236 (3) A ~~It shall be unlawful for any person may not to~~
237 transport any cans, jugs, jars, bottles, vessels, or any other
238 type of containers intended to be used to bottle or package
239 alcoholic beverages; however, this subsection does ~~section shall~~
240 not apply to a ~~any~~ firm or corporation holding a license to
241 manufacture or distribute such alcoholic beverages, a ~~and shall~~
242 ~~not apply to any~~ person transporting such containers to a ~~any~~
243 person, firm, or corporation holding a license to manufacture or
244 distribute such alcoholic beverages, or a person transporting a
245 growler as defined in s. 563.06(7).

246 Section 5. Subsections (1) and (6) of section 563.06,
247 Florida Statutes, are amended, present subsection (7) is
248 renumbered as subsection (8) and amended, and a new subsection
249 (7) is added to that section, to read:

250 563.06 Malt beverages; imprint on individual container;
251 size of containers; growlers; exemptions.-

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252 (1) ~~On and after October 1, 1959,~~ All taxable malt
253 beverages packaged in individual containers possessed by any
254 person in the state for the purpose of sale or resale in the
255 state, except operators of railroads, sleeping cars, steamships,
256 buses, and airplanes engaged in interstate commerce and licensed
257 under this section, shall have imprinted thereon in clearly
258 legible fashion by any permanent method the word "Florida" or
259 "FL" and no other state name or abbreviation of any state name
260 in not less than 8-point type. The word "Florida" or "FL" shall
261 appear first or last, if imprinted in conjunction with any
262 manufacturer's code. A facsimile of the imprinting and its
263 location as it will appear on the individual container shall be
264 submitted to the division for approval.

265 (6) With the exception of growlers as defined in
266 subsection (7), all malt beverages packaged in individual
267 containers sold or offered for sale by vendors at retail in this
268 state shall be in individual containers containing no more than
269 32 ounces of such malt beverages; ~~provided,~~ however, ~~that~~
270 nothing contained in this section shall affect malt beverages
271 packaged in bulk, ~~or~~ in kegs, or in barrels or in any individual
272 container containing 1 gallon or more of such malt beverage
273 regardless of individual container type.

274 (7) (a) As used in the Beverage Law, the term "growler"
275 means any container between 32 ounces and 128 ounces in size,
276 that was originally manufactured to hold malt beverages.

277 (b) A growler may be filled or refilled with:

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278 1. A malt beverage manufactured by a manufacturer that
279 holds a valid manufacturer's license and operates a taproom
280 pursuant to s. 561.221(2)(a).

281 2. A malt beverage manufactured by a manufacturer that
282 holds a valid manufacturer's license and a valid vendor's
283 license pursuant to s. 561.221(2)(b).

284 3. Malt beverages manufactured by any manufacturer, if the
285 manufacturer filling the growler that holds a valid
286 manufacturer's license pursuant to s. 561.221(2)(b) and a valid
287 quota license at that location pursuant to ss. 561.20(1) and
288 565.02(1)(a)-(f).

289 4. A malt beverage sold by a vendor who holds a valid
290 quota license pursuant to ss. 561.20(1) and 565.02(1)(a)-(f).

291 (c) A growler must have an unbroken seal or be incapable
292 of being immediately consumed.

293 (d) A growler must be clearly labeled as containing an
294 alcoholic beverage and provide the name of the manufacturer, the
295 brand, the volume, the percentage of alcohol by volume, and the
296 required label information for alcoholic beverages under 27
297 C.F.R. s. 16.21. If a growler being refilled has an existing
298 label or other identifying mark from a manufacturer or brand,
299 that label shall be covered sufficiently to indicate the
300 manufacturer and brand of the malt beverage placed in the
301 growler.

302 (e) A growler must be clean before being filled.

303 (f) A licensee authorized to fill growlers may not use

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304 growlers for purposes of distribution or sale outside the
305 licensed manufacturing premises or licensed vendor premises.

306 (8)(7) A Any person, firm, or corporation or an agent,
307 officer, or employee thereof who violates, its agents, officers,
308 or employees, violating any of the provisions of this section
309 commits, shall be guilty of a misdemeanor of the first degree,
310 punishable as provided in s. 775.082 or s. 775.083,† and the
311 license, if any, shall be subject to revocation or suspension by
312 the division.

313 Section 6. If a provision of s. 561.221(2), Florida
314 Statutes, as amended by this act, is held invalid, or if the
315 application of that subsection to any person or circumstance is
316 held invalid, the invalidity does not affect other provisions or
317 applications of this act which can be given effect without the
318 invalid provision or application, and to this end s. 561.221(2),
319 Florida Statutes, is severable.

320 Section 7. This act shall take effect July 1, 2014.

321

322

323

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

325 Remove everything before the enacting clause and insert:

326 A bill to be entitled

327 An act relating to malt beverages; amending s. 561.221, F.S.;

328 providing requirements for a licensed manufacturer of malt

329 beverages to sell such beverages directly to consumers;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1329 (2014)

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330 providing requirements for a taproom; prohibiting a manufacturer
331 from holding a vendor's license at specified premises; providing
332 requirements for a licensed manufacturer to obtain a vendor's
333 license; specifying under what circumstances a manufacturer may
334 sell alcoholic beverages under its vendor's license; requiring a
335 manufacturer to complete certain reports; providing
336 applicability; providing requirements for a brewpub to be
337 licensed as a manufacturer or vendor; providing requirements for
338 a brewpub to sell alcoholic beverages to consumers; amending s.
339 561.5101, F.S.; conforming a cross-reference; amending s.
340 561.57, F.S.; prohibiting common carriers from making deliveries
341 of malt beverages to consumers; amending s. 562.34, F.S.;
342 providing that possessing and transporting a growler is lawful;
343 amending s. 563.06, F.S.; defining the term "growler"; providing
344 requirements for growlers; providing construction and
345 severability; providing an effective date.

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