



497306

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2014	.	
	.	
	.	
	.	

---

The Committee on Rules (Gardiner) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (2) and (3) of section 561.221,  
Florida Statutes, are amended, and subsection (4) is added to  
that section, to read:

561.221 Licensing of manufacturers and distributors as  
vendors and of vendors as manufacturers; exceptions, conditions,  
and limitations.—

(2) (a) Notwithstanding s. 561.22, s. 561.42, or any other



497306

12 provision of the Beverage Law, the division may is authorized to  
13 issue a single vendor's license ~~vendor's licenses~~ to, or renew  
14 any valid, active vendor's license previously issued to, a  
15 manufacturer of malt beverages, even if ~~the~~ such manufacturer is  
16 also licensed as a distributor, for the sale of alcoholic  
17 beverages on property consisting of a single complex. ~~The, which~~  
18 property ~~must include~~ shall include a brewery and such other  
19 structures which promote the brewery and the tourist industry of  
20 the state. However, such property may be divided by no more than  
21 one public street or highway.

22 (b) A manufacturer licensed as a vendor under this  
23 subsection may sell alcoholic beverages under its vendor's  
24 license as follows:

25 1. Malt beverages manufactured on the licensed premises  
26 for:

27 a. On-premises consumption, which must be served through a  
28 tap or spigot as draft beer; or

29 b. Off-premises consumption in growlers pursuant to  
30 s. 563.061. However, if the amount of malt beverages the  
31 manufacturer brews on the licensed premises does not exceed 2000  
32 kegs per year, as defined in subsection (3), the manufacturer  
33 may sell those malt beverages in sealed containers, as  
34 authorized under s. 563.060 and its vendor's license, only for  
35 off-premises consumption.

36 2. Any other malt beverages, for on-premises consumption  
37 only, as authorized under its vendor's license, which must be  
38 obtained through a distributor and served through a tap or  
39 spigot as draft beer.

40 3. Any wine or liquor, for on-premises consumption only, as



497306

41 authorized under its vendor's license.

42 (c) Notwithstanding subparagraph (b)2., a manufacturer  
43 holding its vendor's license under this subsection as a quota  
44 licensee pursuant to s. 565.02(1) may also sell malt beverages  
45 brewed off the licensed premises, for off-premises consumption,  
46 in sealed containers as authorized under s. 563.06 and its  
47 vendor's license, but only if the premises was licensed under  
48 s. 565.02(1) on or before March 1, 2014. A quota license  
49 authorizing sales of malt beverages for off-premises consumption  
50 under this subparagraph may not be moved or transferred to  
51 another location at which malt beverages are brewed. All malt  
52 beverages sold under this paragraph, including those owned in  
53 whole or in part by the manufacturer but brewed offsite on  
54 premises other than the licensed manufacturing premises at that  
55 brewery site, must be obtained through a licensed distributor  
56 that is not also a licensed manufacturer.

57 (d) Notwithstanding subparagraph (b)3., a manufacturer  
58 holding its vendor's license under this subsection as a quota  
59 licensee pursuant to s. 565.02(1) may also sell such alcoholic  
60 beverages, for off-premises consumption, in sealed containers as  
61 authorized under its vendor's license, but only if the premises  
62 was licensed under s. 565.02(1) on or before March 1, 2014. A  
63 quota license authorizing sales of alcoholic beverages for off-  
64 premises consumption under this paragraph may not be moved or  
65 transferred to another location at which malt beverages are  
66 brewed.

67 (e) Notwithstanding s. 561.57(1), the delivery of any such  
68 sealed container or growler off the vendor's licensed premises,  
69 whether by common or premises carrier or by an operator of a



497306

70 privately owned car, truck, bus, or other conveyance, is  
71 prohibited. In addition, a consumer or other person may not  
72 arrange for the delivery off the licensed manufacturing premises  
73 to the consumer of any such sealed container or growler from a  
74 vendor licensed under this subsection, whether by common or  
75 premises carrier or by an operator of a privately owned car,  
76 truck, bus, or other conveyance. However, this subparagraph does  
77 not prohibit a consumer from taking the sealed container or  
78 growler, purchased by the consumer from a manufacturer licenses  
79 as a vendor under this subsection, from the vendor's licensed  
80 premises to another location by a privately owned car, truck,  
81 bus, or other conveyance. All sales of malt beverages under sub-  
82 subparagraph (b)1.b. in growlers for off-premises consumption  
83 are for personal use only and not for resale.

84 (f) A manufacturer licensed as a vendor under this  
85 subsection is responsible for applicable reports pursuant to  
86 ss. 561.50 and 561.55 with respect to the amount of malt  
87 beverages sold or given to consumers on the licensed premises  
88 each month and must pay the applicable excise taxes to the  
89 division by the 10th day of each month for the previous month.

90 (g) A manufacturer licensed as a vendor under this  
91 subsection may hold a permanent food service license at the  
92 licensed premises.

93 (h) This subsection is a limited exception to ss. 561.22  
94 and 561.42. Except as specifically provided in this subsection  
95 to permit a manufacturer of malt beverages to also be licensed  
96 as a vendor, a manufacturer of malt beverages is subject to the  
97 restrictions in ss. 561.22 and 561.42.

98 (3)-(a) Notwithstanding s. 561.22, s. 561.42, or any other



497306

99 provision provisions of the Beverage Law, a any vendor licensed  
100 in this state may be licensed as a manufacturer of malt  
101 beverages if the vendor satisfies the requirements of this  
102 subsection. upon a finding by the division that:

103 (a) The division may issue a license if it finds that all  
104 of the following conditions are met:

105 1. The vendor will be engaged in brewing malt beverages at  
106 a single licensed premises location and in an amount that which  
107 will not exceed 10,000 kegs per year. As used in For purposes of  
108 this subparagraph subsection, the term "keg" means 15.5 gallons.

109 2. The malt beverages ~~se~~ brewed will be sold to consumers  
110 only for consumption on the vendor's licensed premises or on  
111 contiguous licensed premises owned or leased by the vendor.

112 3. The applicant holds a permanent food service license.

113 (b) A licensee may sell the following alcoholic beverages,  
114 which may be sold only in face-to-face transactions with  
115 consumers and only for on-premises consumption:

116 1. Malt beverages that are manufactured on the licensed  
117 premises.

118 2. Malt beverages that are manufactured by other  
119 manufacturers purchased from a distributor as authorized under  
120 its vendor's license.

121 3. Wine or liquor purchased from a distributor as  
122 authorized under its vendor's license.

123 (c) A licensee may not:

124 1. Ship malt beverages to or between licensed premises  
125 owned by the licensee. A licensee is not a manufacturer for the  
126 purposes of s. 563.022(14).

127 2. Distribute or sell malt beverages off the licensed



497306

128 premises.

129 ~~(d)-(b)~~ A licensee is ~~Any vendor which is also licensed as a~~  
130 ~~manufacturer of malt beverages pursuant to this subsection shall~~  
131 ~~be~~ responsible for applicable reports pursuant to ss. 561.50 and  
132 561.55 with respect to the amount of beverage manufactured each  
133 month and must ~~shall~~ pay the applicable excise taxes ~~thereon~~ to  
134 the division by the 10th day of each month for the previous  
135 month.

136 ~~(e)-(c)~~ A ~~It shall be unlawful for any~~ licensed distributor  
137 of malt beverages or an ~~any~~ officer, agent, or other  
138 representative thereof may not ~~to~~ discourage or prohibit a  
139 licensee ~~any vendor licensed as a manufacturer under this~~  
140 ~~subsection~~ from offering malt beverages brewed for consumption  
141 on the licensed premises of the vendor.

142 ~~(f)-(d)~~ A ~~It shall be unlawful for any~~ manufacturer of malt  
143 beverages or an ~~any~~ officer, agent, or other representative  
144 thereof may not ~~to~~ take any action to discourage or prohibit a  
145 ~~any~~ distributor of the manufacturer's product from distributing  
146 such product to a licensee ~~licensed vendor which is also~~  
147 ~~licensed as a manufacturer of malt beverages pursuant to this~~  
148 ~~subsection.~~

149 (g) As used in this subsection, the term "licensee" means a  
150 vendor licensed as a manufacturer of malt beverages pursuant to  
151 this subsection.

152 (4) The Legislature intends that the provisions relating to  
153 the sale of malt beverages by a malt beverage manufacturer  
154 licensed as a vendor pursuant to subsection (2) and the  
155 operation of a vendor licensed as a manufacturer pursuant to  
156 subsection (3) constitute limited exceptions to the Beverage Law



497306

157 with respect to the otherwise mutually exclusive licensing of  
158 manufacturers and vendors. Anything not specifically authorized  
159 in subsections (2) and (3) is prohibited unless otherwise  
160 authorized under the Beverage Law.

161 Section 2. Section 561.37, Florida Statutes, is amended to  
162 read:

163 561.37 Bond for payment of taxes.—

164 (1) Each manufacturer and each distributor must ~~shall~~ file  
165 with the division a surety bond acceptable to the division in  
166 the amount ~~sum~~ of \$25,000 as surety for the payment of all  
167 taxes. ~~; provided,~~ However, if ~~that when~~ in the discretion of the  
168 division the amount of business done by the manufacturer or  
169 distributor is of such volume that a bond in an amount of less  
170 than \$25,000 will be adequate to secure the payment of all taxes  
171 assessed or authorized by the Beverage Law, the division may  
172 accept a bond in an amount of less ~~a lesser sum~~ than \$25,000,  
173 but not ~~in no event shall it accept a bond of~~ less than \$10,000,  
174 and it may at any time in its discretion require any bond in an  
175 amount less of than \$25,000 to be increased so as not to exceed  
176 \$25,000. ~~; provided, however, that~~

177 (2) Notwithstanding subsection (1), the amount of bond  
178 required under this section for:

179 (a) A brewer is \$5,000 ~~shall be \$20,000~~, except that if  
180 ~~where,~~ in the discretion of the division, ~~the amount of business~~  
181 done by the brewer is of such volume that a bond in an amount of  
182 less than \$5,000 ~~\$20,000~~ will be adequate to secure the payment  
183 of all taxes assessed or authorized by the Beverage Law, the  
184 division may accept a bond in an amount of less ~~a lesser sum~~  
185 than \$5,000 ~~\$20,000~~, but not ~~in no event shall it accept a bond~~



497306

186 ~~of~~ less than \$2,500 ~~\$10,000~~, and it may at any time in its  
187 discretion require any bond in an amount of less than \$5,000  
188 ~~\$20,000~~ to be increased so as not to exceed \$5,000. ~~\$20,000;~~  
189 ~~provided further that the amount of the bond required for~~

190 (b) A wine or wine and cordial manufacturer is ~~shall be~~  
191 \$5,000. However, ~~except that~~, in the case of a manufacturer  
192 engaged solely in the experimental manufacture of wines and  
193 cordials from Florida products, if ~~where~~ in the discretion of  
194 the division the amount of business done by such a manufacturer  
195 is of such volume that a bond in an amount of less than \$5,000  
196 will be adequate to secure the payment of all taxes assessed or  
197 authorized by the Beverage Law, the division may accept a bond  
198 in an amount of less ~~a lesser sum~~ than \$5,000, but not ~~in no~~  
199 ~~event shall it accept a bond of less than \$1,000,~~ and it may at  
200 any time in its discretion require a bond in an amount of less  
201 than \$5,000 to be increased so as not to exceed \$5,000. ~~;~~  
202 ~~provided, further, that the amount of bond required for~~

203 (c) A distributor who sells only beverages containing not  
204 more than 4.007 percent of alcohol by volume, in counties where  
205 the sale of intoxicating liquors, wines, and beers is  
206 prohibited, or a distributor ~~and to distributors who sells~~ sell  
207 only beverages containing not more than 17.259 percent of  
208 alcohol by volume and wines regardless of alcoholic content, in  
209 counties where the sale of intoxicating liquors, wines, and  
210 beers is permitted, is ~~shall file with the division a surety~~  
211 ~~bond acceptable to the division in the sum of \$25,000.~~ as  
212 ~~surety for the payment of all taxes; provided,~~ However, if ~~that~~  
213 ~~where~~ in the discretion of the division the amount of business  
214 done by such a distributor is of such volume that a bond in an





497306

215 amount of less than \$25,000 will be adequate to secure the  
216 payment of all taxes assessed or authorized by the Beverage Law,  
217 the division may accept a bond in an amount of ~~a less sum~~ than  
218 \$25,000, but not ~~in no event shall it accept a bond~~ less than  
219 \$1,000, and it may at any time in its discretion require any  
220 bond in an amount of less than \$25,000 to be increased so as not  
221 to exceed \$25,000. ~~; provided, further, that the amount of bond~~  
222 ~~required for~~

223 (d) A distributor in a county having a population of 15,000  
224 or less who procures a license by which his or her sales are  
225 restricted to distributors and vendors who have obtained  
226 licenses in the same county is, ~~shall be~~ \$5,000.

227 Section 3. Subsection (14) of section 561.42, Florida  
228 Statutes, is amended to read:

229 561.42 Tied house evil; financial aid and assistance to  
230 vendor by manufacturer, distributor, importer, primary American  
231 source of supply, brand owner or registrant, or any broker,  
232 sales agent, or sales person thereof, prohibited; procedure for  
233 enforcement; exception.-

234 (14) The division shall adopt reasonable rules governing  
235 promotional displays and advertising, which rules may ~~shall~~ not  
236 conflict with or be more stringent than the federal regulations  
237 pertaining to such promotional displays and advertising  
238 furnished to vendors by distributors, manufacturers, importers,  
239 primary American sources of supply, or brand owners or  
240 registrants, or any broker, sales agent, or sales person  
241 thereof; however:

242 (a) If a manufacturer, distributor, importer, brand owner,  
243 or brand registrant of malt beverage, or any ~~broker~~, sales



497306

244 agent~~7~~ or sales person thereof, provides a vendor with  
245 expendable retailer advertising specialties such as trays,  
246 coasters, mats, menu cards, napkins, cups, glasses,  
247 thermometers, and the like, such items may ~~shall~~ be sold only at  
248 a price not less than the actual cost to the industry member who  
249 initially purchased them, without limitation in total dollar  
250 value of such items sold to a vendor.

251 (b) Without limitation in total dollar value of such items  
252 provided to a vendor, a manufacturer, distributor, importer,  
253 brand owner, or brand registrant of malt beverage, or any  
254 ~~broker7~~ sales agent~~7~~ or sales person thereof, may rent, loan  
255 without charge for an indefinite duration, or sell durable  
256 retailer advertising specialties such as clocks, pool table  
257 lights, and the like, which bear advertising matter.

258 (c) If a manufacturer, distributor, importer, brand owner,  
259 or brand registrant of malt beverage, or any ~~broker7~~ sales  
260 agent~~7~~ or sales person thereof, provides a vendor with consumer  
261 advertising specialties such as ashtrays, T-shirts, bottle  
262 openers, shopping bags, and the like, such items may ~~shall~~ be  
263 sold only at a price not less than the actual cost to the  
264 industry member who initially purchased them, and ~~but~~ may be  
265 sold without limitation in total value of such items sold to a  
266 vendor.

267 (d) A manufacturer, distributor, importer, brand owner, or  
268 brand registrant of malt beverage, or any ~~broker7~~ sales agent~~7~~  
269 or sales person thereof, may provide consumer advertising  
270 specialties described in paragraph (c) to consumers on any  
271 vendor's licensed premises.

272 (e) A manufacturer ~~Manufacturers~~, distributor ~~distributors~~,



497306

273 importer importers, brand owner owners, or brand registrant  
274 registrants of malt beverages beer, and any broker, sales agent,  
275 or sales person thereof, may shall not conduct any sampling  
276 activity activities that includes the include tasting of a their  
277 product of any such entity or person at a vendor's premises  
278 licensed for off-premises sales only.

279 (f) A manufacturer Manufacturers, distributor distributors,  
280 importer importers, brand owner owners, or brand registrant  
281 registrants of malt beverages beer, and any broker, sales agent,  
282 or sales person thereof, may shall not engage in cooperative  
283 advertising with a vendor vendors.

284 (g) A distributor Distributors of malt beverages beer may  
285 sell to a vendor vendors draft equipment and tapping accessories  
286 at a price not less than the cost to the industry member who  
287 initially purchased them, except there is no required charge,  
288 and the a distributor may exchange any parts that which are not  
289 compatible with a competitor's system and are necessary to  
290 dispense the distributor's brands. A distributor of malt  
291 beverages beer may furnish to a vendor at no charge replacement  
292 parts of nominal intrinsic value, including, but not limited to,  
293 washers, gaskets, tail pieces, hoses, hose connections, clamps,  
294 plungers, and tap markers. To ensure quality control, a  
295 distributor of malt beverages may, at no charge to a vendor,  
296 clean draft equipment and counter-pressure devices that use or  
297 dispense a malt beverage the distributor sold to the vendor.  
298 Counter-pressure and other growler-filling devices are not draft  
299 equipment or tapping accessories for purposes of this paragraph.

300 Section 4. Section 561.5101, Florida Statutes, is amended  
301 to read:



497306

302 561.5101 Come-to-rest requirement; exceptions; penalties.—

303 (1) For purposes of inspection and tax-revenue control, all  
304 malt beverages, except those manufactured on and sold at the  
305 brewery or vendor pursuant to s. 561.221(2) or (3), must come to  
306 rest at the licensed premises of an alcoholic beverage  
307 distributor ~~wholesaler~~ in this state before being sold to a  
308 vendor by the distributor ~~wholesaler~~. A malt beverage is  
309 considered to have come to rest under this subsection only if it  
310 has been unloaded in its entirety from the transport vehicle and  
311 placed in the distributor's warehouse inventory. The prohibition  
312 contained in this subsection does not apply to the shipment of  
313 malt beverages commonly known as private labels. The prohibition  
314 contained in this subsection does ~~shall~~ not prevent a  
315 manufacturer from shipping malt beverages for storage at a  
316 bonded warehouse facility, if the ~~provided that such~~ malt  
317 beverages are distributed as provided in this subsection or to  
318 an out-of-state entity.

319 (2) A ~~Any~~ person who is in the business of selling  
320 alcoholic beverages and who knowingly and intentionally sells  
321 malt beverages in a manner inconsistent with the requirements of  
322 subsection (1), whether to a vendor or to an ultimate consumer,  
323 commits a felony of the third degree, punishable as provided in  
324 s. 775.082, s. 775.083, or s. 775.084.

325 Section 5. Subsection (14) of section 563.022, Florida  
326 Statutes, is reenacted and amended to read:

327 563.022 Relations between beer distributors and  
328 manufacturers.—

329 (14) MANUFACTURER; PROHIBITED INTERESTS.—

330 (a) This subsection applies to:



497306

331           1. A manufacturer;

332           2. An ~~Any~~ officer, director, agent, or employee of a

333 manufacturer; or

334           3. An affiliate of a ~~any~~ manufacturer, regardless of

335 whether the affiliation is corporate or by management,

336 direction, or control.

337           (b) Except as provided in paragraph (c), an ~~no~~ entity or

338 person specified in paragraph (a) may not have an interest in

339 the license, business, assets, or corporate stock of a licensed

340 distributor and may not ~~nor shall such entity~~ sell directly to a

341 ~~any~~ vendor in this state other than a vendor ~~to vendors who are~~

342 licensed pursuant to s. 561.221(2).

343           (c) An ~~Any~~ entity or person specified ~~described~~ in

344 paragraph (a) may financially assist a proposed distributor in

345 acquiring ownership of the distributorship through participation

346 in a limited partnership arrangement in which the entity or

347 person specified ~~described~~ in paragraph (a) is a limited partner

348 and the proposed distributor seeking to acquire ownership of the

349 distributorship is the general partner. Such a limited

350 partnership arrangement ~~arrangements~~ may exist for no longer

351 than 8 years from its ~~their~~ creation and may ~~shall~~ not be

352 extended or renewed by means of a transfer of full ownership to

353 an entity or person specified ~~described~~ in paragraph (a)

354 followed by the creation of a new limited partnership or by any

355 other means. In any such arrangement for financial assistance,

356 the federal basic permit and distributor's license issued by the

357 division shall be issued in the name of the distributor and not

358 in the name of an entity or person specified ~~described~~ in

359 paragraph (a). If, after the creation of a limited partnership



497306

360 pursuant to this paragraph, an entity or person specified  
361 ~~described~~ in paragraph (a) acquires title to the distributorship  
362 that ~~which~~ was the subject of the limited partnership, the  
363 entity or person specified ~~described~~ in paragraph (a) shall  
364 divest itself of the distributorship within 180 days, and the  
365 distributorship shall be ineligible for limited partnership  
366 financing for 20 years thereafter. An ~~No~~ entity or person  
367 specified ~~described~~ in paragraph (a) may not ~~shall~~ enter into a  
368 limited partnership arrangement with a licensed distributor  
369 whose distributorship existed and was operated before ~~prior to~~  
370 the creation of such limited partnership arrangement.

371 (d) ~~Nothing in~~ The Beverage Law does not ~~shall be construed~~  
372 ~~to~~ prohibit a manufacturer from shipping products to or between  
373 its breweries without a distributor's license, but does not  
374 exempt a manufacturer from the come-to-rest requirement of s.  
375 561.5101(1) for products shipped to or between its breweries for  
376 sale under a vendor license issued to the manufacturer pursuant  
377 to s. 562.221(2).

378 (e) Notwithstanding ~~the provisions of~~ paragraph (b), an ~~any~~  
379 entity or person specified ~~named~~ in paragraph (a) may have an  
380 interest in the license, business, assets, or corporate stock of  
381 a licensed distributor for a maximum of 180 consecutive days as  
382 the result of a judgment of foreclosure against the distributor  
383 or for 180 consecutive days after acquiring title pursuant to  
384 the written request of the licensed distributor. Under either of  
385 these circumstances, manufacturer ownership of an interest in  
386 the license, business, assets, or corporate stock of a licensed  
387 distributor may ~~shall~~ only be for 180 days and only for the  
388 purpose of facilitating an orderly transfer of the



497306

389 distributorship to an owner not affiliated with a manufacturer.

390 (f) Notwithstanding ~~the provisions of~~ paragraph (b), an any  
391 entity or person specified ~~named~~ in paragraph (a) may have a  
392 security interest in the inventory or property of its licensed  
393 distributors to secure payment for that said inventory or other  
394 loans for other purposes.

395 Section 6. Subsections (1) and (6) of section 563.06,  
396 Florida Statutes, are amended, a new subsection (7) is created,  
397 and current subsection (7) of that section is renumbered as  
398 subsection (8) and amended, to read:

399 563.06 Malt beverages; imprint on individual container;  
400 size of containers; growlers; exemptions.-

401 ~~On and after October 1, 1959,~~ All taxable malt  
402 beverages packaged in individual containers possessed by any  
403 person in the state for the purpose of sale or resale in the  
404 state, except operators of railroads, sleeping cars, steamships,  
405 buses, and airplanes engaged in interstate commerce and licensed  
406 under this section, must shall have imprinted thereon in clearly  
407 legible fashion by any permanent method the word "Florida" or  
408 "FL" and no other state name or abbreviation of any state name  
409 in not less than 8-point type. The word "Florida" or "FL" shall  
410 appear first or last, if imprinted in conjunction with any  
411 manufacturer's code. A facsimile of the imprinting and its  
412 location as it will appear on the individual container must  
413 ~~shall~~ be submitted to the division for approval.

414 (6) All malt beverages packaged in individual containers  
415 sold or offered for sale by vendors at retail in this state,  
416 except for malt beverages authorized to be sold in growlers  
417 pursuant to s. 563.061, must shall be in individual containers



497306

418 containing no more than 32 ounces of such malt beverages.†  
419 ~~provided, however, that nothing contained in~~

420 (7) This section does not shall affect malt beverages  
421 packaged in bulk, ~~or~~ in kegs or ~~in~~ barrels, or in any individual  
422 container containing 1 gallon or more of such malt beverage  
423 regardless of individual container type.

424 (8) ~~(7)~~ A Any person, firm, or corporation, or any of its  
425 agents, officers or employees, that violates ~~violating any of~~  
426 ~~the provisions of this section~~ commits, ~~shall be guilty of a~~  
427 misdemeanor of the first degree, punishable as provided in s.  
428 775.082 or s. 775.083; and the license, if any, is ~~shall be~~  
429 subject to revocation or suspension by the division.

430 Section 7. Section 563.061, Florida Statutes, is created to  
431 read:

432 563.061 Malt beverages; filling or refilling of growlers.-

433 (1) "Growler" means a refillable container that is made of  
434 glass, ceramic, metal, or similar leak-proof material and is  
435 designed to contain a carbonated malt beverage in a capacity of  
436 32 ounces, 64 ounces, or 128 ounces.

437 (2) The filling or refilling of a growler shall be in  
438 response to an order, in a face-to-face transaction, only for  
439 off-premises consumption. The growler must be filled with a malt  
440 beverage and sealed on the premises at or immediately before or  
441 after the time of sale.

442 (3) The filling or refilling of a growler is limited to:

443 (a) A manufacturer of malt beverages who holds a valid  
444 vendor's license pursuant to s. 561.221(2);

445 (b) A vendor holding a quota license under ss. 561.20(1)  
446 and 565.02(1) (a) with the sale of malt beverages authorized





497306

447 under that license; or

448 (c) A vendor holding a license under s. 563.02(1)(b)-(f),  
449 s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless the license  
450 restricts the sale of malt beverages only for consumption on the  
451 licensed premises.

452 (4) The growler must have an unbroken seal or be incapable  
453 of being immediately consumed.

454 (5) The growler must be clearly labeled as containing an  
455 alcoholic beverage and provide the name of the manufacturer, the  
456 brand, the volume, the percentage of alcohol by volume, and the  
457 required federal health warning notice for alcoholic beverages.  
458 If a growler being refilled has an existing label or other  
459 identifying mark of a manufacturer or brand from a prior filling  
460 or refilling, that label must be covered sufficiently to  
461 indicate the manufacturer and brand of the malt beverage being  
462 placed in the container at that refilling.

463 (6) The growler must be clean prior to filling or  
464 refilling.

465 (7) The vendor filling or refilling a growler must leave  
466 sufficient space to allow for expansion of the contents due to  
467 changes in temperature or pressure that can reasonably be  
468 anticipated and that would otherwise result in leakage or other  
469 failure of the growler to contain the malt beverage.

470 (8) A licensee authorized to fill and refill growlers may  
471 not use them for purposes of distribution or sale off the  
472 manufacturer's or vendor's licensed premises, except as  
473 authorized under this section and s. 561.221(2).

474 Section 8. For the purpose of incorporating the amendments  
475 made by this act to the Beverage Law, subsection (1) of section



497306

476 561.11, Florida Statutes, is reenacted to read:

477 561.11 Power and authority of division.—

478 (1) The division has authority to adopt rules pursuant to  
479 ss. 120.536(1) and 120.54 to implement the provisions of the  
480 Beverage Law.

481 Section 9. This act shall take effect July 1, 2014.

482

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

484 And the title is amended as follows:

485 Delete everything before the enacting clause  
486 and insert:

487 A bill to be entitled  
488 An act relating to malt beverages; amending s. 561.01,  
489 F.S.; defining the term "growler"; amending s.  
490 561.221, F.S.; clarifying three-tier system exceptions  
491 and application with respect to the manufacture,  
492 distribution, and sale of malt beverages; revising  
493 requirements for licensure and operation of  
494 manufacturers and vendors; providing legislative  
495 intent; amending s. 561.37, F.S.; revising bond  
496 requirements for brewers; amending s. 561.42, F.S.;  
497 authorizing distributors of malt beverages to clean  
498 certain drafting equipment and counter-pressure  
499 devices at no charge; specifying that counter-pressure  
500 and other growler-filling devices are not drafting  
501 equipment and tapping accessories for certain  
502 purposes; amending s. 561.5101, F.S.; adding an  
503 exception to the come-to-rest requirement; specifying  
504 what constitutes coming to rest at a distributor's



497306

505 licensed premises; providing penalties; reenacting and  
506 amending s. 563.022(14), F.S., relating to prohibited  
507 interests between a manufacturer and a distributor of  
508 malt beverages, to incorporate the amendments made to  
509 s. 561.221(2), F.S., in a reference thereto; revising  
510 provisions relating to shipment of products to or  
511 between breweries; amending s. 563.06, F.S.; revising  
512 provisions relating to the sale of malt beverages at  
513 retail in containers of specified sizes, to conform to  
514 changes made by the act; creating s. 563.061, F.S.;  
515 providing requirements for and limitations on the  
516 filling, refilling, and sale or distribution of  
517 growlers; reenacting s. 561.11(1), F.S., relating to  
518 authority of the Division of Alcoholic Beverages and  
519 Tobacco of the Department of Business and Professional  
520 Regulation to adopt rules to implement the Beverage  
521 Law, to incorporate the amendments made to the  
522 Beverage Law by this act for such purpose; providing  
523 an effective date.