

By the Committee on Regulated Industries

580-03266-14

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1                   A bill to be entitled  
2       An act relating to malt beverages; amending s. 561.01,  
3       F.S.; defining the term "growler"; amending s.  
4       561.221, F.S.; clarifying three-tier system exceptions  
5       and application with respect to the manufacture,  
6       distribution, and sale of malt beverages; revising  
7       requirements for licensure and operation of  
8       manufacturers and vendors; providing legislative  
9       intent; amending s. 561.37, F.S., to revise bond  
10      requirements for brewers; amending s. 561.5101, F.S.;  
11      adding an exception to the come-to-rest requirement;  
12      amending s. 562.34, F.S.; authorizing the possession  
13      and transportation of a growler; reenacting s.  
14      563.022(14), F.S., relating to prohibited interests  
15      between a manufacturer and a distributor of malt  
16      beverages, to incorporate the amendments made to s.  
17      561.221, F.S., in a reference thereto; clarifying  
18      provisions; amending s. 563.06, F.S.; revising  
19      provisions relating to the sale of malt beverages at  
20      retail in containers of specified sizes, to conform to  
21      changes made by the act; creating s. 563.061, F.S.;  
22      providing requirements for and limitations on the  
23      filling, refilling, and sale or distribution of  
24      growlers; providing severability; providing an  
25      effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29       Section 1. Subsection (22) is added to section 561.01,

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30 Florida Statutes, to read:

31 561.01 Definitions.—As used in the Beverage Law:

32 (22) "Growler" means a clean container made of glass,  
33 ceramic, metal, or similar leak-proof material having a capacity  
34 of 32 ounces, 64 ounces, or 128 ounces which, in response to an  
35 order in a face-to-face transaction for off-premises  
36 consumption, is filled with a malt beverage and sealed on the  
37 premises at or immediately before or after the time of sale.

38 Section 2. Section 561.221, Florida Statutes, is amended to  
39 read:

40 561.221 Licensing of manufacturers and distributors as  
41 vendors and of vendors as manufacturers; exceptions, conditions,  
42 and limitations.—

43 (1) (a) Nothing contained in s. 561.22, s. 561.42, or any  
44 other provision of the Beverage Law prohibits the ownership,  
45 management, operation, or control of not more than three  
46 vendor's licenses for the sale of alcoholic beverages by a  
47 manufacturer of wine who is licensed and engaged in the  
48 manufacture of wine in this state, even if such manufacturer is  
49 also licensed as a distributor; provided that no such vendor's  
50 license shall be owned, managed, operated, or controlled by any  
51 licensed manufacturer of wine unless the licensed premises of  
52 the vendor are situated on property contiguous to the  
53 manufacturing premises of the licensed manufacturer of wine.

54 (b) The Division of Alcoholic Beverages and Tobacco shall  
55 issue permits to a certified Florida Farm Winery to conduct  
56 tasting and sales of wine produced by certified Florida Farm  
57 Wineries at Florida fairs, trade shows, expositions, and  
58 festivals. The certified Florida Farm Winery shall pay all entry

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59 fees and shall have a winery representative present during the  
60 event. The permit is limited to the length of the event.

61 (2) Notwithstanding s. 561.22, s. 561.42, or any other  
62 provision of the Beverage Law, the division is authorized to  
63 issue vendor's licenses to a manufacturer of malt beverages,  
64 even if such manufacturer is also licensed as a distributor, for  
65 the sale of alcoholic beverages on property consisting of a  
66 single complex, which property shall include a brewery and such  
67 other structures which promote the brewery and the tourist  
68 industry of the state. However, such property may be divided by  
69 no more than one public street or highway. A vendor's license  
70 issued under this subsection is subject to the following  
71 restrictions:

72 (a) Sales to consumers for off-premises consumption of malt  
73 beverages are limited to growlers that are filled or refilled  
74 with malt beverages manufactured on the licensed premises  
75 pursuant to the requirements of s. 563.061. Such sales must be  
76 made directly to consumers in face-to-face transactions. Malt  
77 beverages manufactured at another location, including another  
78 licensed manufacturing premises directly or indirectly owned in  
79 whole or in part by the manufacturer, and malt beverages  
80 manufactured by any other manufacturer may be sold as authorized  
81 by the manufacturer's vendor license, provided that malt  
82 beverages sold for consumption off the licensed premises shall  
83 be obtained from a licensed distributor and sold to the consumer  
84 in their original sealed containers. This paragraph does not  
85 prohibit the sale of other alcoholic beverages for on-premises  
86 or off-premises consumption, as authorized under the  
87 manufacturer's vendor license, provided that such beverages are

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88 obtained from a licensed distributor.

89 (b) Notwithstanding s. 561.57(1), the delivery of a sealed  
90 container or growler containing a malt beverage off a licensed  
91 premises, whether by common or premises carrier or by an  
92 operator of a privately owned motor vehicle or other conveyance,  
93 is prohibited. In addition, a consumer or other person may not  
94 arrange for the delivery of a sealed container or growler  
95 containing a malt beverage off the licensed premises to the  
96 consumer, whether by common or premises carrier or by an  
97 operator of a privately owned motor vehicle or other conveyance.  
98 However, this paragraph does not prohibit a consumer from taking  
99 the sealed container or growler containing a malt beverage  
100 purchased by the consumer under this subsection from the  
101 licensed premises to another location by a privately owned motor  
102 vehicle or other conveyance.

103 (c) A manufacturer licensed as a vendor is responsible for  
104 applicable reports pursuant to ss. 561.50 and 561.55 with  
105 respect to the amount of malt beverages sold or given to  
106 consumers on the licensed premises each month and must pay the  
107 applicable excise taxes to the division by the 10th day of each  
108 month for the previous month.

109 (d) This subsection does not preclude a licensed  
110 manufacturer of malt beverages from also holding a permanent  
111 food service license at the licensed premises.

112 (e) This subsection is a limited exception to ss. 561.22  
113 and 561.42. Except as specifically provided in this subsection  
114 to permit a manufacturer of malt beverages to also be licensed  
115 as a vendor, a manufacturer of malt beverages is subject to the  
116 restrictions in ss. 561.22 and 561.42.

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117 (3) ~~(a)~~ Notwithstanding s. 561.22, s. 561.42, or any other  
 118 provision ~~Notwithstanding other provisions~~ of the Beverage Law,  
 119 a ~~any~~ vendor licensed in this state may be licensed as a  
 120 manufacturer of malt beverages if the vendor satisfies the  
 121 requirements of this subsection. ~~upon a finding by the division~~  
 122 ~~that:~~

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

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

129 2. The malt beverages ~~se~~ brewed will be sold to consumers  
 130 for consumption on the vendor's licensed premises or on  
 131 contiguous licensed premises owned by the vendor.

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

133 (b) A licensee may sell the following alcoholic beverages,  
 134 which may be sold only in face-to-face transactions with  
 135 consumers:

136 1. Malt beverages that are manufactured on the licensed  
 137 premises for on-premises consumption.

138 2. Malt beverages that are manufactured by other  
 139 manufacturers for on-premises consumption as authorized under  
 140 its vendor's license.

141 3. Wine or liquor for on-premises consumption as authorized  
 142 under its vendor's license.

143 (c) A licensee may not:

144 1. Ship malt beverages to or between licensed premises  
 145 owned by the licensee. A licensee is not a manufacturer for the

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146 purposes of s. 563.022(14).

147 2. Distribute or sell malt beverages off the licensed  
148 premises.

149 (d)-(b) A licensee is ~~Any vendor which is also licensed as a~~  
150 ~~manufacturer of malt beverages pursuant to this subsection shall~~  
151 ~~be~~ responsible for applicable reports pursuant to ss. 561.50 and  
152 561.55 with respect to the amount of beverage manufactured each  
153 month and must ~~shall~~ pay the applicable excise taxes ~~thereon~~ to  
154 the division by the 10th day of each month for the previous  
155 month.

156 (e)-(e) A ~~It shall be unlawful for any~~ licensed distributor  
157 of malt beverages or an ~~any~~ officer, agent, or other  
158 representative thereof may not ~~to~~ discourage or prohibit a  
159 licensee ~~any vendor licensed as a manufacturer under this~~  
160 ~~subsection~~ from offering malt beverages brewed for consumption  
161 on the licensed premises of the vendor.

162 (f)-(d) A ~~It shall be unlawful for any~~ manufacturer of malt  
163 beverages or an ~~any~~ officer, agent, or other representative  
164 thereof may not ~~to~~ take any action to discourage or prohibit a  
165 ~~any~~ distributor of the manufacturer's product from distributing  
166 such product to a licensee ~~licensed vendor which is also~~  
167 ~~licensed as a manufacturer of malt beverages pursuant to this~~  
168 ~~subsection.~~

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

172 (4) The Legislature intends that the provisions relating to  
173 the sale of malt beverages by a malt beverage manufacturer  
174 pursuant to subsection (2) and the operation of a licensed

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175 vendor pursuant to subsection (3) constitute limited exceptions  
176 to the manufacturing and vendor licensing requirements of the  
177 Beverage Law. Anything not specifically authorized in  
178 subsections (2) and (3) is prohibited unless otherwise  
179 authorized under the Beverage Law.

180 Section 3. Section 561.37, Florida Statutes, is amended to  
181 read:

182 561.37 Bond for payment of taxes.—Each manufacturer and  
183 each distributor shall file with the division a surety bond  
184 acceptable to the division in the sum of \$25,000 as surety for  
185 the payment of all taxes, provided, however, that when in the  
186 discretion of the division the amount of business done by the  
187 manufacturer or distributor is of such volume that a bond of  
188 less than \$25,000 will be adequate to secure the payment of all  
189 taxes assessed or authorized by the Beverage Law, the division  
190 may accept a bond in a lesser sum than \$25,000, but in no event  
191 shall it accept a bond of less than \$10,000, and it may at any  
192 time in its discretion require any bond in an amount less than  
193 \$25,000 to be increased so as not to exceed \$25,000; provided,  
194 however, that the amount of bond required for a brewer shall be  
195 \$5,000 ~~\$20,000~~, except that where, in the discretion of the  
196 division, the amount of business done by the brewer is of such  
197 volume that a bond of less than \$5,000 ~~\$20,000~~ will be adequate  
198 to secure the payment of all taxes assessed or authorized by the  
199 Beverage Law, the division may accept a bond in a lesser sum  
200 than \$5,000 ~~\$20,000~~, but in no event shall it accept a bond of  
201 less than \$2,500 ~~\$10,000~~, and it may at any time in its  
202 discretion require any bond in an amount less than \$5,000  
203 ~~\$20,000~~ to be increased so as not to exceed \$5,000 ~~\$20,000~~;

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204 provided further that the amount of the bond required for a wine  
205 or wine and cordial manufacturer shall be \$5,000, except that,  
206 in the case of a manufacturer engaged solely in the experimental  
207 manufacture of wines and cordials from Florida products, where  
208 in the discretion of the division the amount of business done by  
209 such manufacturer is of such volume that a bond of less than  
210 \$5,000 will be adequate to secure the payment of all taxes  
211 assessed or authorized by the Beverage Law, the division may  
212 accept a bond in a lesser sum than \$5,000, but in no event shall  
213 it accept a bond of less than \$1,000 and it may at any time in  
214 its discretion require a bond in an amount less than \$5,000 to  
215 be increased so as not to exceed \$5,000; provided, further, that  
216 the amount of bond required for a distributor who sells only  
217 beverages containing not more than 4.007 percent of alcohol by  
218 volume, in counties where the sale of intoxicating liquors,  
219 wines, and beers is prohibited, and to distributors who sell  
220 only beverages containing not more than 17.259 percent of  
221 alcohol by volume and wines regardless of alcoholic content, in  
222 counties where the sale of intoxicating liquors, wines, and  
223 beers is permitted, shall file with the division a surety bond  
224 acceptable to the division in the sum of \$25,000, as surety for  
225 the payment of all taxes; provided, however, that where in the  
226 discretion of the division the amount of business done by such  
227 distributor is of such volume that a bond of less than \$25,000  
228 will be adequate to secure the payment of all taxes assessed or  
229 authorized by the Beverage Law the division may accept a bond in  
230 a less sum than \$25,000 but in no event shall it accept a bond  
231 less than \$1,000 and it may at any time in its discretion  
232 require any bond in an amount less than \$25,000 to be increased



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233 so as not to exceed \$25,000; provided, further, that the amount  
234 of bond required for a distributor in a county having a  
235 population of 15,000 or less who procures a license by which his  
236 or her sales are restricted to distributors and vendors who have  
237 obtained licenses in the same county, shall be \$5,000.

238 Section 4. Subsection (1) of section 561.5101, Florida  
239 Statutes, is amended to read:

240 561.5101 Come-to-rest requirement; exceptions; penalties.-

241 (1) For purposes of inspection and tax-revenue control, all  
242 malt beverages, except those manufactured and sold pursuant to  
243 s. 561.221(2) or (3) ~~s. 561.221(3)~~, must come to rest at the  
244 licensed premises of an alcoholic beverage wholesaler in this  
245 state before being sold to a vendor by the wholesaler. The  
246 prohibition contained in this subsection does not apply to the  
247 shipment of malt beverages commonly known as private labels. The  
248 prohibition contained in this subsection does ~~shall~~ not prevent  
249 a manufacturer from shipping malt beverages for storage at a  
250 bonded warehouse facility if, ~~provided that~~ such malt beverages  
251 are distributed as provided in this subsection or to an out-of-  
252 state entity.

253 Section 5. Subsections (1) and (3) of section 562.34,  
254 Florida Statutes, are amended to read:

255 562.34 Containers; seizure and forfeiture.-

256 (1) ~~A It shall be unlawful for any person~~ may not ~~to~~ have  
257 in her or his possession, custody, or control any cans, jugs,  
258 jars, bottles, or vessels, ~~or~~ any other type of containers that  
259 ~~which~~ are being used, are intended to be used, or are known by  
260 the possessor to have been used to bottle or package alcoholic  
261 beverages. ~~;~~ ~~however,~~ This subsection does ~~provision shall~~ not

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262 apply to a any person properly licensed to bottle or package  
 263 such alcoholic beverages, a ~~or to any~~ person intending to  
 264 dispose of such containers to a person, firm, or corporation  
 265 properly licensed to bottle or package such alcoholic beverages,  
 266 or a person that has in her or his possession a growler.

267 (3) ~~A It shall be unlawful for any person may not to~~  
 268 transport any cans, jugs, jars, bottles, or vessels, ~~or any~~  
 269 other type of containers intended to be used to bottle or  
 270 package alcoholic beverages. ~~however,~~ This subsection does  
 271 ~~section shall~~ not apply to a any firm or corporation holding a  
 272 license to manufacture or distribute such alcoholic beverages, a  
 273 ~~and shall not apply to any~~ person transporting such containers  
 274 to a any person, firm, or corporation holding a license to  
 275 manufacture or distribute such alcoholic beverages, or a person  
 276 transporting a growler.

277 Section 6. Subsection (14) of section 563.022, Florida  
 278 Statutes, is reenacted and amended to read:

279 563.022 Relations between beer distributors and  
 280 manufacturers.—

281 (14) MANUFACTURER; PROHIBITED INTERESTS.—

282 (a) This subsection applies to:

283 1. A manufacturer;

284 2. An Any officer, director, agent, or employee of a  
 285 manufacturer; or

286 3. An affiliate of a any manufacturer, regardless of  
 287 whether the affiliation is corporate or by management,  
 288 direction, or control.

289 (b) Except as provided in paragraph (c), an no entity or  
 290 person specified in paragraph (a) may not have an interest in

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291 the license, business, assets, or corporate stock of a licensed  
292 distributor and may not ~~nor shall such entity~~ sell directly to a  
293 ~~any~~ vendor in this state other than a vendor ~~to vendors who are~~  
294 licensed pursuant to s. 561.221(2).

295 (c) An ~~Any~~ entity or person specified ~~described~~ in  
296 paragraph (a) may financially assist a proposed distributor in  
297 acquiring ownership of the distributorship through participation  
298 in a limited partnership arrangement in which the entity or  
299 person specified ~~described~~ in paragraph (a) is a limited partner  
300 and the proposed distributor seeking to acquire ownership of the  
301 distributorship is the general partner. Such a limited  
302 partnership arrangement ~~arrangements~~ may exist for up to ~~no~~  
303 ~~longer than~~ 8 years from its ~~their~~ creation and may ~~shall~~ not be  
304 extended or renewed by means of a transfer of full ownership to  
305 an entity or person specified ~~described~~ in paragraph (a)  
306 followed by the creation of a new limited partnership or by any  
307 other means. In any such arrangement for financial assistance,  
308 the federal basic permit and distributor's license issued by the  
309 division shall be issued in the name of the distributor and not  
310 in the name of an entity or person specified ~~described~~ in  
311 paragraph (a). If, after the creation of a limited partnership  
312 pursuant to this paragraph, an entity or person specified  
313 ~~described~~ in paragraph (a) acquires title to the distributorship  
314 that ~~which~~ was the subject of the limited partnership, the  
315 entity or person specified ~~described~~ in paragraph (a) shall  
316 divest itself of the distributorship within 180 days, and the  
317 distributorship shall be ineligible for limited partnership  
318 financing for 20 years thereafter. An ~~No~~ entity or person  
319 specified ~~described~~ in paragraph (a) may not ~~shall~~ enter into a

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320 limited partnership arrangement with a licensed distributor  
321 whose distributorship existed and was operated before ~~prior to~~  
322 the creation of such limited partnership arrangement.

323 (d) ~~Nothing in~~ The Beverage Law does not ~~shall be construed~~  
324 ~~to~~ prohibit a manufacturer from shipping products to or between  
325 its breweries without a distributor's license.

326 (e) Notwithstanding ~~the provisions of~~ paragraph (b), an any  
327 entity or person specified ~~named~~ in paragraph (a) may have an  
328 interest in the license, business, assets, or corporate stock of  
329 a licensed distributor for a maximum of 180 consecutive days as  
330 the result of a judgment of foreclosure against the distributor  
331 or for 180 consecutive days after acquiring title pursuant to  
332 the written request of the licensed distributor. Under either of  
333 these circumstances, manufacturer ownership of an interest in  
334 the license, business, assets, or corporate stock of a licensed  
335 distributor may ~~shall~~ only be for 180 days and only for the  
336 purpose of facilitating an orderly transfer of the  
337 distributorship to an owner not affiliated with a manufacturer.

338 (f) Notwithstanding ~~the provisions of~~ paragraph (b), an any  
339 entity or person specified ~~named~~ in paragraph (a) may have a  
340 security interest in the inventory or property of its licensed  
341 distributors to secure payment for that ~~said~~ inventory or other  
342 loans for other purposes.

343 Section 7. Section 563.06, Florida Statutes, is amended to  
344 read:

345 563.06 Malt beverages; imprint on individual container;  
346 size of containers; growlers; exemptions.-

347 (1) On and after October 1, 1959, all taxable malt  
348 beverages packaged in individual containers possessed by any

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349 person in the state for the purpose of sale or resale in the  
350 state, except operators of railroads, sleeping cars, steamships,  
351 buses, and airplanes engaged in interstate commerce and licensed  
352 under this section, shall have imprinted thereon in clearly  
353 legible fashion by any permanent method the word "Florida" or  
354 "FL" and no other state name or abbreviation of any state name  
355 in not less than 8-point type. The word "Florida" or "FL" shall  
356 appear first or last, if imprinted in conjunction with any  
357 manufacturer's code. A facsimile of the imprinting and its  
358 location as it will appear on the individual container shall be  
359 submitted to the division for approval.

360 (2) Nothing herein contained shall require such designation  
361 to be attached to individual containers of malt beverages which  
362 are transported through this state and which are not sold,  
363 delivered, or stored for sale therein, if transported in  
364 accordance with such rules and regulations as adopted by the  
365 division; nor shall this requirement apply to malt beverages  
366 packaged in individual containers and held on the premises of a  
367 brewer or bottler, which malt beverages are for sale and  
368 delivery to persons outside the state.

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

375 (4) Except as otherwise provided herein, any malt beverages  
376 in individual containers held or possessed in the state for the  
377 purpose of sale or resale within the state which do not bear the

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378 word "Florida" or "FL" thereon shall, at the direction of the  
379 division, be confiscated in accordance with the provisions of  
380 the Beverage Law.

381 (5) (a) Nothing contained in this section shall require that  
382 malt beverages packaged in individual containers and possessed  
383 by any person in the state for purposes of sale or resale in the  
384 state have imprinted thereon the word "Florida" or "FL" if the  
385 manufacturer of the malt beverages can establish before the  
386 division that the manufacturer has a tracking system in place,  
387 by use of code or otherwise, which enables the manufacturer,  
388 with at least 85 percent reliability by July 1, 1996, and 90  
389 percent reliability by January 1, 2000, to identify the  
390 following:

391 1. The place where individual containers of malt beverages  
392 were produced;

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

395 3. The individual distributors within the state which  
396 received the individual containers of malt beverages.

397 (b) Prior to shipping individual containers of malt  
398 beverages into the state which do not have the word "Florida" or  
399 "FL" imprinted thereon, the manufacturer must file an  
400 application with the division to claim the exemption contained  
401 herein and must obtain approval from the division to ship  
402 individual containers of malt beverages into the state which do  
403 not have the word "Florida" or "FL" imprinted thereon.  
404 Information furnished by the manufacturer to establish the  
405 criteria contained within paragraph (a) may be subject to an  
406 annual audit and verification by the division. The division may

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407 revoke an approved exemption if the manufacturer refuses to  
 408 furnish the information required in paragraph (a) upon request  
 409 of the division, or if the manufacturer fails to permit a  
 410 subsequent verification audit, or if the manufacturer fails to  
 411 fully cooperate with the division during the conducting of an  
 412 audit.

413 (c) When a distributor has information that malt beverages  
 414 may have been shipped into Florida on which payment of Florida  
 415 excise taxes has not been made, such information may be provided  
 416 to the division and the division shall investigate to ascertain  
 417 whether any violations of Florida law have occurred.

418 (6) All malt beverages packaged in individual containers  
 419 sold or offered for sale by vendors at retail in this state,  
 420 except for malt beverages sold in growlers pursuant to s.  
 421 563.061, must shall be in individual containers containing no  
 422 more than 32 ounces of such malt beverages. ~~; provided, however,~~  
 423 ~~that nothing contained in~~ This section does not shall affect  
 424 malt beverages packaged in bulk or in kegs or in barrels or in  
 425 any individual container containing 1 gallon or more of such  
 426 malt beverage regardless of individual container type.

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

433 Section 8. Section 563.061, Florida Statutes, is created to  
 434 read:

435 563.061 Malt beverages; filling or refilling of growlers.-

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436 (1) The filling or refilling of a growler is limited to:

437 (a) A manufacturer of malt beverages who holds a valid  
438 vendor's license pursuant to s. 561.221(2) if the growler is  
439 filled or refilled with malt beverages manufactured on the  
440 licensed premises for sale for off-premises consumption to  
441 consumers in a face-to-face transaction on the licensed  
442 premises;

443 (b) A vendor holding a quota license under ss. 561.20(1)  
444 and 565.02(1)(a) with malt beverages authorized under that  
445 license for sale for off-premises consumption to consumers in a  
446 face-to-face transaction on the licensed premises; or

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

452 (2) The growler must have an unbroken seal, or its contents  
453 must be incapable of being immediately consumed.

454 (3) 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 (4) The growler must be clean before being filled or  
464 refilled.



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465       (5) A licensee authorized to fill and refill growlers may  
466 not use growlers for purposes of distribution or sale outside  
467 the manufacturer's or vendor's licensed premises, except as  
468 authorized under this subsection and s. 561.221(2).

469       Section 9. If any provision of this act or its application  
470 to any person or circumstance is held invalid, the invalidity  
471 does not affect other provisions or applications of the act  
472 which can be given effect without the invalid provision or  
473 application, and to this end the provisions of this act are  
474 severable.

475       Section 10. This act shall take effect July 1, 2014.