

By the Committees on Community Affairs; and Regulated Industries

578-04060-14

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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 at least 32 ounces but no more than 128 ounces which, in  
35 response to an order in a face-to-face transaction for off-  
36 premises consumption, is filled with a malt beverage and sealed  
37 on the premises at or immediately before or after the time of  
38 sale.

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

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

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

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

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59 festivals. The certified Florida Farm Winery shall pay all entry  
60 fees and shall have a winery representative present during the  
61 event. The permit is limited to the length of the event.

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

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

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88 manufacturer's vendor license, provided that such beverages are  
89 obtained from a licensed distributor.

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

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

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

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

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117 restrictions in ss. 561.22 and 561.42.

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

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

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

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

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

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

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

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

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

144 (c) A licensee may not:

145 1. Ship malt beverages to or between licensed premises

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146 owned by the licensee. A licensee is not a manufacturer for the  
147 purposes of s. 563.022(14).

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

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

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

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

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

173 (4) The Legislature intends that the provisions relating to  
174 the sale of malt beverages by a malt beverage manufacturer

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

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

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

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204 ~~\$20,000~~ to be increased so as not to exceed \$5,000 ~~\$20,000~~;  
205 provided further that the amount of the bond required for a wine  
206 or wine and cordial manufacturer shall be \$5,000, except that,  
207 in the case of a manufacturer engaged solely in the experimental  
208 manufacture of wines and cordials from Florida products, where  
209 in the discretion of the division the amount of business done by  
210 such manufacturer is of such volume that a bond of less than  
211 \$5,000 will be adequate to secure the payment of all taxes  
212 assessed or authorized by the Beverage Law, the division may  
213 accept a bond in a lesser sum than \$5,000, but in no event shall  
214 it accept a bond of less than \$1,000 and it may at any time in  
215 its discretion require a bond in an amount less than \$5,000 to  
216 be increased so as not to exceed \$5,000; provided, further, that  
217 the amount of bond required for a distributor who sells only  
218 beverages containing not more than 4.007 percent of alcohol by  
219 volume, in counties where the sale of intoxicating liquors,  
220 wines, and beers is prohibited, and to distributors who sell  
221 only beverages containing not more than 17.259 percent of  
222 alcohol by volume and wines regardless of alcoholic content, in  
223 counties where the sale of intoxicating liquors, wines, and  
224 beers is permitted, shall file with the division a surety bond  
225 acceptable to the division in the sum of \$25,000, as surety for  
226 the payment of all taxes; provided, however, that where in the  
227 discretion of the division the amount of business done by such  
228 distributor is of such volume that a bond of less than \$25,000  
229 will be adequate to secure the payment of all taxes assessed or  
230 authorized by the Beverage Law the division may accept a bond in  
231 a less sum than \$25,000 but in no event shall it accept a bond  
232 less than \$1,000 and it may at any time in its discretion



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

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

241 561.5101 Come-to-rest requirement; exceptions; penalties.-

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

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

256 562.34 Containers; seizure and forfeiture.-

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

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262 beverages.~~;~~ ~~however,~~ This subsection does ~~provision shall~~ not  
 263 apply to a any person properly licensed to bottle or package  
 264 such alcoholic beverages, a ~~or to any~~ person intending to  
 265 dispose of such containers to a person, firm, or corporation  
 266 properly licensed to bottle or package such alcoholic beverages,  
 267 or a person that has in her or his possession a growler.

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

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

280 563.022 Relations between beer distributors and  
 281 manufacturers.—

282 (14) MANUFACTURER; PROHIBITED INTERESTS.—

283 (a) This subsection applies to:

284 1. A manufacturer;

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

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

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

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

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

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320 specified ~~described~~ in paragraph (a) may not ~~shall~~ enter into a  
321 limited partnership arrangement with a licensed distributor  
322 whose distributorship existed and was operated before ~~prior to~~  
323 the creation of such limited partnership arrangement.

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

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

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

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

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

348 (1) On and after October 1, 1959, all taxable malt

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

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

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

376 (4) Except as otherwise provided herein, any malt beverages  
377 in individual containers held or possessed in the state for the

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378 purpose of sale or resale within the state which do not bear the  
379 word "Florida" or "FL" thereon shall, at the direction of the  
380 division, be confiscated in accordance with the provisions of  
381 the Beverage Law.

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

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

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

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

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

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

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

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

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

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

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436 563.061 Malt beverages; filling or refilling of growlers.-

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

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

444 (b) A vendor holding a quota license under ss. 561.20(1)  
445 and 565.02(1) (a) with malt beverages authorized under that  
446 license for sale for off-premises consumption to consumers in a  
447 face-to-face transaction on the licensed premises; 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) which authorizes  
450 consumption of malt beverages on the premises, unless such  
451 license restricts the consumption of malt beverages to the  
452 premises only.

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

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

464 (4) The growler must be clean before being filled or



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465 refilled.

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

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

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