

By the Committees on Rules; Community Affairs; and Regulated Industries

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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; defining the term  
9       "licensee"; providing legislative intent; amending s.  
10      561.37, F.S.; revising bond requirements for brewers;  
11      amending s. 561.42, F.S.; authorizing distributors of  
12      malt beverages to clean certain drafting equipment and  
13      counter-pressure devices at no charge; specifying that  
14      counter-pressure and other growler-filling devices are  
15      not drafting equipment and tapping accessories for  
16      certain purposes; amending s. 561.5101, F.S.; adding  
17      an exception to the come-to-rest requirement;  
18      specifying what constitutes coming to rest at a  
19      distributor's licensed premises; providing penalties;  
20      reenacting and amending s. 563.022(14), F.S., relating  
21      to prohibited interests between a manufacturer and a  
22      distributor of malt beverages, to incorporate the  
23      amendments made to s. 561.221(2), F.S., in a reference  
24      thereto; revising provisions relating to shipment of  
25      products to or between breweries; amending s. 563.06,  
26      F.S.; revising provisions relating to the sale of malt  
27      beverages at retail in containers of specified sizes,  
28      to conform to changes made by the act; creating s.  
29      563.061, F.S.; providing requirements for and

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30 limitations on the filling, refilling, and sale or  
31 distribution of growlers; reenacting s. 561.11(1),  
32 F.S., relating to authority of the Division of  
33 Alcoholic Beverages and Tobacco of the Department of  
34 Business and Professional Regulation to adopt rules to  
35 implement the Beverage Law, to incorporate the  
36 amendments made to the Beverage Law by this act for  
37 such purpose; providing an effective date.  
38

39 Be It Enacted by the Legislature of the State of Florida:  
40

41 Section 1. Section 561.221, Florida Statutes, is amended to  
42 read:

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

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

57 (b) The Division of Alcoholic Beverages and Tobacco shall  
58 issue permits to a certified Florida Farm Winery to conduct

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59 tasting and sales of wine produced by certified Florida Farm  
60 Wineries at Florida fairs, trade shows, expositions, and  
61 festivals. The certified Florida Farm Winery shall pay all entry  
62 fees and shall have a winery representative present during the  
63 event. The permit is limited to the length of the event.

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

75 (b) A manufacturer licensed as a vendor under this  
76 subsection may sell alcoholic beverages under its vendor's  
77 license as follows:

78 1. Malt beverages manufactured on the licensed premises  
79 for:

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

82 b. Off-premises consumption in growlers pursuant to s.  
83 563.061. However, if the amount of malt beverages the  
84 manufacturer brews on the licensed premises does not exceed  
85 2,000 kegs per year, as defined in subsection (3), the  
86 manufacturer may sell those malt beverages in sealed containers,  
87 as authorized under s. 563.06 and its vendor's license, only for

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88 off-premises consumption.

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

93 3. Any wine or liquor, for on-premises consumption only, as  
94 authorized under its vendor's license.

95 (c) Notwithstanding subparagraph (b)2., a manufacturer  
96 holding its vendor's license under this subsection as a quota  
97 licensee pursuant to s. 565.02(1) may also sell malt beverages  
98 brewed off the licensed premises, for off-premises consumption,  
99 in sealed containers as authorized under s. 563.06 and its  
100 vendor's license, only if the premises was licensed under s.  
101 565.02(1) on or before March 1, 2014. A quota license  
102 authorizing sales of malt beverages for off-premises consumption  
103 under this paragraph may not be moved or transferred to another  
104 location where malt beverages are brewed. All malt beverages  
105 sold under this paragraph, including those owned in whole or in  
106 part by the manufacturer but brewed offsite on premises other  
107 than the licensed manufacturing premises at that brewery site,  
108 must be obtained through a licensed distributor that is not also  
109 a licensed manufacturer.

110 (d) Notwithstanding subparagraph (b)3., a manufacturer  
111 holding its vendor's license under this subsection as a quota  
112 licensee pursuant to s. 565.02(1) may also sell such alcoholic  
113 beverages, for off-premises consumption, in sealed containers as  
114 authorized under its vendor's license, only if the premises was  
115 licensed under s. 565.02(1) on or before March 1, 2014. A quota  
116 license authorizing sales of alcoholic beverages for off-

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117 premises consumption under this paragraph may not be moved or  
118 transferred to another location where malt beverages are brewed.

119 (e) Notwithstanding s. 561.57(1), the delivery of any such  
120 sealed container or growler off the vendor's licensed premises,  
121 whether by common or premises carrier or by an operator of a  
122 privately owned car, truck, bus, or other conveyance, is  
123 prohibited. In addition, a consumer or other person may not  
124 arrange for the delivery off the licensed manufacturing premises  
125 to the consumer of any such sealed container or growler from a  
126 vendor licensed under this subsection, whether by common or  
127 premises carrier or by an operator of a privately owned car,  
128 truck, bus, or other conveyance. However, this paragraph does  
129 not prohibit a consumer from taking the sealed container or  
130 growler, purchased by the consumer from a manufacturer licenses  
131 as a vendor under this subsection, from the vendor's licensed  
132 premises to another location by a privately owned car, truck,  
133 bus, or other conveyance. All sales of malt beverages under sub-  
134 subparagraph (b)1.b. in growlers for off-premises consumption  
135 are for personal use only and not for resale.

136 (f) A manufacturer licensed as a vendor under this  
137 subsection is responsible for applicable reports pursuant to ss.  
138 561.50 and 561.55 with respect to the amount of malt beverages  
139 sold or given to consumers on the licensed premises each month  
140 and must pay the applicable excise taxes to the division by the  
141 10th day of each month for the previous month.

142 (g) A manufacturer licensed as a vendor under this  
143 subsection may hold a permanent food service license at the  
144 licensed premises.

145 (h) This subsection is a limited exception to ss. 561.22

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146 and 561.42. Except as specifically provided in this subsection  
147 to permit a manufacturer of malt beverages to also be licensed  
148 as a vendor, a manufacturer of malt beverages is subject to the  
149 restrictions in ss. 561.22 and 561.42.

150 (3) ~~(a)~~ Notwithstanding s. 561.22, s. 561.42, or any other  
151 provision provisions of the Beverage Law, a any vendor licensed  
152 in this state may be licensed as a manufacturer of malt  
153 beverages if the vendor satisfies the requirements of this  
154 subsection. upon a finding by the division that:

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

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

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

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

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

168 1. Malt beverages that are manufactured on the licensed  
169 premises.

170 2. Malt beverages that are manufactured by other  
171 manufacturers purchased from a distributor as authorized under  
172 its vendor's license.

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

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175 (c) A licensee may not:

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

179 2. Distribute or sell malt beverages off the licensed  
180 premises.

181 ~~(d)(b) A licensee is Any vendor which is also licensed as a~~  
182 ~~manufacturer of malt beverages pursuant to this subsection shall~~  
183 ~~be responsible for applicable reports pursuant to ss. 561.50 and~~  
184 ~~561.55 with respect to the amount of beverage manufactured each~~  
185 ~~month and must ~~shall~~ pay the applicable excise taxes ~~thereon~~ to~~  
186 ~~the division by the 10th day of each month for the previous~~  
187 ~~month.~~

188 ~~(e)(c) A It shall be unlawful for any licensed distributor~~  
189 ~~of malt beverages or an any officer, agent, or other~~  
190 ~~representative thereof may not ~~to~~ discourage or prohibit a~~  
191 ~~licensee any vendor licensed as a manufacturer under this~~  
192 ~~subsection from offering malt beverages brewed for consumption~~  
193 ~~on the licensed premises of the vendor.~~

194 ~~(f)(d) A It shall be unlawful for any manufacturer of malt~~  
195 ~~beverages or an any officer, agent, or other representative~~  
196 ~~thereof may not ~~to~~ take any action to discourage or prohibit a~~  
197 ~~any distributor of the manufacturer's product from distributing~~  
198 ~~such product to a licensee ~~licensed vendor which is also~~~~  
199 ~~~~licensed as a manufacturer of malt beverages pursuant to this~~~~  
200 ~~subsection.~~

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

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204       (4) The Legislature intends that the provisions relating to  
205 the sale of malt beverages by a malt beverage manufacturer  
206 licensed as a vendor pursuant to subsection (2) and the  
207 operation of a vendor licensed as a manufacturer pursuant to  
208 subsection (3) constitute limited exceptions to the Beverage Law  
209 with respect to the otherwise mutually exclusive licensing of  
210 manufacturers and vendors. Any action not specifically  
211 authorized in subsections (2) and (3) is prohibited unless  
212 otherwise authorized under the Beverage Law.

213       Section 2. Section 561.37, Florida Statutes, is amended to  
214 read:

215       561.37 Bond for payment of taxes.—

216       (1) Each manufacturer and each distributor must shall file  
217 with the division a surety bond acceptable to the division in  
218 the amount sum of \$25,000 as surety for the payment of all  
219 taxes. ~~, provided,~~  However, if that when in the discretion of the  
220 division the amount of business done by the manufacturer or  
221 distributor is of such volume that a bond in an amount of less  
222 than \$25,000 will be adequate to secure the payment of all taxes  
223 assessed or authorized by the Beverage Law, the division may  
224 accept a bond in an amount of less ~~a lesser sum~~ than \$25,000,  
225 but not in no event shall it accept a bond of less than \$10,000,  
226 and it may at any time in its discretion require any bond in an  
227 amount less of than \$25,000 to be increased so as not to exceed  
228 \$25,000. ~~; provided, however, that~~

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

231       (a) A brewer is \$5,000 shall be \$20,000, except that if  
232 ~~where,~~ in the discretion of the division, ~~the amount of business~~



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233 done by the brewer is of such volume that a bond in an amount of  
234 less than \$5,000 ~~\$20,000~~ will be adequate to secure the payment  
235 of all taxes assessed or authorized by the Beverage Law, the  
236 division may accept a bond in an amount of less ~~a lesser sum~~  
237 than \$5,000 ~~\$20,000~~, but not ~~in no event shall it accept a bond~~  
238 ~~of~~ less than \$2,500 ~~\$10,000~~, and it may at any time in its  
239 discretion require any bond in an amount of less than \$5,000  
240 ~~\$20,000~~ to be increased so as not to exceed \$5,000. ~~\$20,000;~~  
241 ~~provided further that the amount of the bond required for~~

242 (b) A wine or wine and cordial manufacturer is ~~shall be~~  
243 \$5,000. However, ~~except that~~, in the case of a manufacturer  
244 engaged solely in the experimental manufacture of wines and  
245 cordials from Florida products, if ~~where~~ in the discretion of  
246 the division the amount of business done by such a manufacturer  
247 is of such volume that a bond in an amount of less than \$5,000  
248 will be adequate to secure the payment of all taxes assessed or  
249 authorized by the Beverage Law, the division may accept a bond  
250 in an amount of less ~~a lesser sum~~ than \$5,000, but not ~~in no~~  
251 ~~event shall it accept a bond of less than~~ \$1,000, and it may at  
252 any time in its discretion require a bond in an amount of less  
253 than \$5,000 to be increased so as not to exceed \$5,000. ~~+~~  
254 ~~provided, further, that the amount of bond required for~~

255 (c) A distributor who sells only beverages containing not  
256 more than 4.007 percent of alcohol by volume, in counties where  
257 the sale of intoxicating liquors, wines, and beers is  
258 prohibited, or a distributor ~~and to distributors~~ who sells ~~sell~~  
259 only beverages containing not more than 17.259 percent of  
260 alcohol by volume and wines regardless of alcoholic content, in  
261 counties where the sale of intoxicating liquors, wines, and

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262 beers is permitted, is ~~shall file with the division a surety~~  
263 ~~bond acceptable to the division in the sum of \$25,000., as~~  
264 ~~surety for the payment of all taxes; provided, However, if that~~  
265 ~~where~~ in the discretion of the division the amount of business  
266 done by such a distributor is of such volume that a bond in an  
267 amount of less than \$25,000 will be adequate to secure the  
268 payment of all taxes assessed or authorized by the Beverage Law,  
269 the division may accept a bond in an amount of ~~a less sum~~ than  
270 \$25,000, but not ~~in no event shall it accept a bond~~ less than  
271 \$1,000, and it may at any time in its discretion require any  
272 bond in an amount of less than \$25,000 to be increased so as not  
273 to exceed \$25,000.; ~~provided, further, that the amount of bond~~  
274 ~~required for~~

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

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

281 561.42 Tied house evil; financial aid and assistance to  
282 vendor by manufacturer, distributor, importer, primary American  
283 source of supply, brand owner or registrant, or any broker,  
284 sales agent, or sales person thereof, prohibited; procedure for  
285 enforcement; exception.—

286 (14) The division shall adopt reasonable rules governing  
287 promotional displays and advertising, which rules may ~~shall~~ not  
288 conflict with or be more stringent than the federal regulations  
289 pertaining to such promotional displays and advertising  
290 furnished to vendors by distributors, manufacturers, importers,

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291 primary American sources of supply, or brand owners or  
292 registrants, or any broker, sales agent, or sales person  
293 thereof; however:

294 (a) If a manufacturer, distributor, importer, brand owner,  
295 or brand registrant of malt beverage, or any ~~broker,~~ sales  
296 agent, or sales person thereof, provides a vendor with  
297 expendable retailer advertising specialties such as trays,  
298 coasters, mats, menu cards, napkins, cups, glasses,  
299 thermometers, and the like, such items may ~~shall~~ be sold only at  
300 a price not less than the actual cost to the industry member who  
301 initially purchased them, without limitation in total dollar  
302 value of such items sold to a vendor.

303 (b) Without limitation in total dollar value of such items  
304 provided to a vendor, a manufacturer, distributor, importer,  
305 brand owner, or brand registrant of malt beverage, or any  
306 ~~broker,~~ sales agent, or sales person thereof, may rent, loan  
307 without charge for an indefinite duration, or sell durable  
308 retailer advertising specialties such as clocks, pool table  
309 lights, and the like, which bear advertising matter.

310 (c) If a manufacturer, distributor, importer, brand owner,  
311 or brand registrant of malt beverage, or any ~~broker,~~ sales  
312 agent, or sales person thereof, provides a vendor with consumer  
313 advertising specialties such as ashtrays, T-shirts, bottle  
314 openers, shopping bags, and the like, such items may ~~shall~~ be  
315 sold only at a price not less than the actual cost to the  
316 industry member who initially purchased them, and ~~but~~ may be  
317 sold without limitation in total value of such items sold to a  
318 vendor.

319 (d) A manufacturer, distributor, importer, brand owner, or

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320 brand registrant of malt beverage, or any ~~broker~~, sales agent,  
321 or sales person thereof, may provide consumer advertising  
322 specialties described in paragraph (c) to consumers on any  
323 vendor's licensed premises.

324 (e) A manufacturer ~~Manufacturers~~, distributor ~~distributors~~,  
325 importer ~~importers~~, brand owner ~~owners~~, or brand registrant  
326 ~~registrants~~ of malt beverages ~~beer~~, and any ~~broker~~, sales agent,  
327 or sales person thereof, may ~~shall~~ not conduct any sampling  
328 activity ~~activities~~ that includes the ~~include~~ tasting of a ~~their~~  
329 product of any such entity or person at a vendor's premises  
330 licensed for off-premises sales only.

331 (f) A manufacturer ~~Manufacturers~~, distributor ~~distributors~~,  
332 importer ~~importers~~, brand owner ~~owners~~, or brand registrant  
333 ~~registrants~~ of malt beverages ~~beer~~, and any ~~broker~~, sales agent,  
334 or sales person thereof, may ~~shall~~ not engage in cooperative  
335 advertising with a vendor ~~vendors~~.

336 (g) A distributor ~~Distributors~~ of malt beverages ~~beer~~ may  
337 sell to a vendor ~~vendors~~ draft equipment and tapping accessories  
338 at a price not less than the cost to the industry member who  
339 initially purchased them, except there is no required charge,  
340 and the ~~a~~ distributor may exchange any parts that ~~which~~ are not  
341 compatible with a competitor's system and are necessary to  
342 dispense the distributor's brands. A distributor of malt  
343 beverages ~~beer~~ may furnish to a vendor at no charge replacement  
344 parts of nominal intrinsic value, including, but not limited to,  
345 washers, gaskets, tail pieces, hoses, hose connections, clamps,  
346 plungers, and tap markers. To ensure quality control, a  
347 distributor of malt beverages may, at no charge to a vendor,  
348 clean draft equipment and counter-pressure devices that use or

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349 dispense a malt beverage that the distributor sold to the  
350 vendor. Counter-pressure and other growler-filling devices are  
351 not draft equipment or tapping accessories for purposes of this  
352 paragraph.

353 Section 4. Section 561.5101, Florida Statutes, is amended  
354 to read:

355 561.5101 Come-to-rest requirement; exceptions; penalties.-

356 (1) For purposes of inspection and tax-revenue control, all  
357 malt beverages, except those manufactured on and sold at the  
358 brewery or vendor pursuant to s. 561.221(2) or (3) ~~s.~~  
359 ~~561.221(3)~~, must come to rest at the licensed premises of an  
360 alcoholic beverage distributor ~~wholesaler~~ in this state before  
361 being sold to a vendor by the distributor ~~wholesaler~~. A malt  
362 beverage is considered to have come to rest under this  
363 subsection only if it has been unloaded in its entirety from the  
364 transport vehicle and placed in the distributor's warehouse  
365 inventory. The prohibition contained in this subsection does not  
366 apply to the shipment of malt beverages commonly known as  
367 private labels. The prohibition contained in this subsection  
368 does ~~shall~~ not prevent a manufacturer from shipping malt  
369 beverages for storage at a bonded warehouse facility, if the  
370 ~~provided that such~~ malt beverages are distributed as provided in  
371 this subsection or to an out-of-state entity.

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

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378 Section 5. For the purpose of incorporating the amendment  
379 made by this act to section 561.221(2), Florida Statutes, in  
380 reference thereto, subsection (14) of section 563.022, Florida  
381 Statutes, is reenacted and amended to read:

382 563.022 Relations between beer distributors and  
383 manufacturers.—

384 (14) MANUFACTURER; PROHIBITED INTERESTS.—

385 (a) This subsection applies to:

386 1. A manufacturer;

387 2. An ~~Any~~ officer, director, agent, or employee of a  
388 manufacturer; or

389 3. An affiliate of a ~~any~~ manufacturer, regardless of  
390 whether the affiliation is corporate or by management,  
391 direction, or control.

392 (b) Except as provided in paragraph (c), an ~~no~~ entity or  
393 person specified in paragraph (a) may not have an interest in  
394 the license, business, assets, or corporate stock of a licensed  
395 distributor and may not ~~nor shall such entity~~ sell directly to a  
396 ~~any~~ vendor in this state other than a vendor ~~to vendors who are~~  
397 licensed pursuant to s. 561.221(2).

398 (c) An ~~Any~~ entity or person specified ~~described~~ in  
399 paragraph (a) may financially assist a proposed distributor in  
400 acquiring ownership of the distributorship through participation  
401 in a limited partnership arrangement in which the entity or  
402 person specified ~~described~~ in paragraph (a) is a limited partner  
403 and the proposed distributor seeking to acquire ownership of the  
404 distributorship is the general partner. Such a limited  
405 partnership arrangement ~~arrangements~~ may exist for no longer  
406 than 8 years from its ~~their~~ creation and may ~~shall~~ not be

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407 extended or renewed by means of a transfer of full ownership to  
408 an entity or person specified ~~described~~ in paragraph (a)  
409 followed by the creation of a new limited partnership or by any  
410 other means. In any such arrangement for financial assistance,  
411 the federal basic permit and distributor's license issued by the  
412 division shall be issued in the name of the distributor and not  
413 in the name of an entity or person specified ~~described~~ in  
414 paragraph (a). If, after the creation of a limited partnership  
415 pursuant to this paragraph, an entity or person specified  
416 ~~described~~ in paragraph (a) acquires title to the distributorship  
417 that ~~which~~ was the subject of the limited partnership, the  
418 entity or person specified ~~described~~ in paragraph (a) shall  
419 divest itself of the distributorship within 180 days, and the  
420 distributorship shall be ineligible for limited partnership  
421 financing for 20 years thereafter. An ~~No~~ entity or person  
422 specified ~~described~~ in paragraph (a) may not ~~shall~~ enter into a  
423 limited partnership arrangement with a licensed distributor  
424 whose distributorship existed and was operated before ~~prior to~~  
425 the creation of such limited partnership arrangement.

426 (d) ~~Nothing in~~ The Beverage Law does not ~~shall be construed~~  
427 ~~to~~ prohibit a manufacturer from shipping products to or between  
428 its breweries without a distributor's license. The preceding  
429 sentence does not exempt a manufacturer from the come-to-rest  
430 requirement of s. 561.5101(1) for products shipped to or between  
431 its breweries for sale under a vendor license issued to the  
432 manufacturer pursuant to s. 562.221(2).

433 (e) Notwithstanding ~~the provisions of~~ paragraph (b), an ~~any~~  
434 entity or person specified ~~named~~ in paragraph (a) may have an  
435 interest in the license, business, assets, or corporate stock of

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436 a licensed distributor for a maximum of 180 consecutive days as  
437 the result of a judgment of foreclosure against the distributor  
438 or for 180 consecutive days after acquiring title pursuant to  
439 the written request of the licensed distributor. Under either of  
440 these circumstances, manufacturer ownership of an interest in  
441 the license, business, assets, or corporate stock of a licensed  
442 distributor may ~~shall~~ only be for 180 days and only for the  
443 purpose of facilitating an orderly transfer of the  
444 distributorship to an owner not affiliated with a manufacturer.

445 (f) Notwithstanding ~~the provisions of~~ paragraph (b), an any  
446 entity or person specified ~~named~~ in paragraph (a) may have a  
447 security interest in the inventory or property of its licensed  
448 distributors to secure payment for that ~~said~~ inventory or other  
449 loans for other purposes.

450 Section 6. Section 563.06, Florida Statutes, is amended to  
451 read:

452 563.06 Malt beverages; imprint on individual container;  
453 size of containers; growlers; exemptions.—

454 (1) ~~On and after October 1, 1959,~~ All taxable malt  
455 beverages packaged in individual containers possessed by any  
456 person in the state for the purpose of sale or resale in the  
457 state, except operators of railroads, sleeping cars, steamships,  
458 buses, and airplanes engaged in interstate commerce and licensed  
459 under this section, must ~~shall~~ have imprinted thereon in clearly  
460 legible fashion by any permanent method the word "Florida" or  
461 "FL" and no other state name or abbreviation of any state name  
462 in not less than 8-point type. The word "Florida" or "FL" shall  
463 appear first or last, if imprinted in conjunction with any  
464 manufacturer's code. A facsimile of the imprinting and its



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465 location as it will appear on the individual container must  
466 ~~shall~~ be submitted to the division for approval.

467 (2) Nothing herein contained shall require such designation  
468 to be attached to individual containers of malt beverages which  
469 are transported through this state and which are not sold,  
470 delivered, or stored for sale therein, if transported in  
471 accordance with such rules and regulations as adopted by the  
472 division; nor shall this requirement apply to malt beverages  
473 packaged in individual containers and held on the premises of a  
474 brewer or bottler, which malt beverages are for sale and  
475 delivery to persons outside the state.

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

482 (4) Except as otherwise provided herein, any malt beverages  
483 in individual containers held or possessed in the state for the  
484 purpose of sale or resale within the state which do not bear the  
485 word "Florida" or "FL" thereon shall, at the direction of the  
486 division, be confiscated in accordance with the provisions of  
487 the Beverage Law.

488 (5) (a) Nothing contained in this section shall require that  
489 malt beverages packaged in individual containers and possessed  
490 by any person in the state for purposes of sale or resale in the  
491 state have imprinted thereon the word "Florida" or "FL" if the  
492 manufacturer of the malt beverages can establish before the  
493 division that the manufacturer has a tracking system in place,

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494 by use of code or otherwise, which enables the manufacturer,  
495 with at least 85 percent reliability by July 1, 1996, and 90  
496 percent reliability by January 1, 2000, to identify the  
497 following:

498 1. The place where individual containers of malt beverages  
499 were produced;

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

502 3. The individual distributors within the state which  
503 received the individual containers of malt beverages.

504 (b) Prior to shipping individual containers of malt  
505 beverages into the state which do not have the word "Florida" or  
506 "FL" imprinted thereon, the manufacturer must file an  
507 application with the division to claim the exemption contained  
508 herein and must obtain approval from the division to ship  
509 individual containers of malt beverages into the state which do  
510 not have the word "Florida" or "FL" imprinted thereon.

511 Information furnished by the manufacturer to establish the  
512 criteria contained within paragraph (a) may be subject to an  
513 annual audit and verification by the division. The division may  
514 revoke an approved exemption if the manufacturer refuses to  
515 furnish the information required in paragraph (a) upon request  
516 of the division, or if the manufacturer fails to permit a  
517 subsequent verification audit, or if the manufacturer fails to  
518 fully cooperate with the division during the conducting of an  
519 audit.

520 (c) When a distributor has information that malt beverages  
521 may have been shipped into Florida on which payment of Florida  
522 excise taxes has not been made, such information may be provided

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523 to the division and the division shall investigate to ascertain  
524 whether any violations of Florida law have occurred.

525 (6) All malt beverages packaged in individual containers  
526 sold or offered for sale by vendors at retail in this state,  
527 except for malt beverages authorized to be sold in growlers  
528 pursuant to s. 563.061, must ~~shall~~ be in individual containers  
529 containing no more than 32 ounces of such malt beverages.  
530 ~~provided, however, that nothing contained in~~

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

535 (8) ~~(7)~~ A Any person, firm, or corporation, or any of its  
536 agents, officers or employees, that violates ~~violating any of~~  
537 ~~the provisions of this section~~ commits, ~~shall be guilty of a~~  
538 misdemeanor of the first degree, punishable as provided in s.  
539 775.082 or s. 775.083; and the license, if any, is ~~shall be~~  
540 subject to revocation or suspension by the division.

541 Section 7. Section 563.061, Florida Statutes, is created to  
542 read:

543 563.061 Malt beverages; filling or refilling of growlers.-

544 (1) "Growler" means a refillable container that is made of  
545 glass, ceramic, metal, or similar leak-proof material and is  
546 designed to contain a carbonated malt beverage in a capacity of  
547 32 ounces, 64 ounces, or 128 ounces.

548 (2) The filling or refilling of a growler shall be in  
549 response to an order, in a face-to-face transaction, only for  
550 off-premises consumption. The growler must be filled with a malt  
551 beverage and sealed on the premises at or immediately before or

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552 after the time of sale.

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

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

556 (b) A vendor holding a quota license under ss. 561.20(1)  
557 and 565.02(1)(a) with the sale of malt beverages authorized  
558 under that license; or

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

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

565 (5) The growler must be clearly labeled as containing an  
566 alcoholic beverage and provide the name of the manufacturer, the  
567 brand, the volume, the percentage of alcohol by volume, and the  
568 required federal health warning notice for alcoholic beverages.  
569 If a growler being refilled has an existing label or other  
570 identifying mark of a manufacturer or brand from a prior filling  
571 or refilling, that label must be covered sufficiently to  
572 indicate the manufacturer and brand of the malt beverage being  
573 placed in the container at that refilling.

574 (6) The growler must be clean before filling or refilling.

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

580 (8) A licensee authorized to fill and refill growlers may

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581 not use them for purposes of distribution or sale off the  
582 manufacturer's or vendor's licensed premises, except as  
583 authorized under this section and s. 561.221(2).

584 Section 8. For the purpose of incorporating the amendments  
585 made by this act to the Beverage Law, subsection (1) of section  
586 561.11, Florida Statutes, is reenacted to read:

587 561.11 Power and authority of division.—

588 (1) The division has authority to adopt rules pursuant to  
589 ss. 120.536(1) and 120.54 to implement the provisions of the  
590 Beverage Law.

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