

By the Committees on Fiscal Policy; and Regulated Industries;
and Senators Latvala, Gibson, and Clemens

594-03415-15

2015186c2

1 A bill to be entitled
2 An act relating to malt beverages; amending s.
3 561.221, F.S.; revising the exception for the
4 licensing of malt beverage manufacturers as vendors;
5 providing restrictions on the sale of malt beverages;
6 prohibiting the delivery of certain malt beverages;
7 limiting the number of vendor's licenses that the
8 Division of Alcoholic Beverages and Tobacco of the
9 Department of Business and Professional Regulation may
10 issue to a manufacturer of malt beverages; amending s.
11 561.42, F.S.; authorizing malt beverage tastings upon
12 certain licensed premises; creating s. 563.0614, F.S.;
13 authorizing the sale of malt beverages packaged in
14 individual containers of certain sizes if they are
15 filled at the point of sale by certain licenseholders;
16 requiring each container to be imprinted or labeled
17 with certain information and have an unbroken seal or
18 be incapable of being immediately consumed; providing
19 penalties; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (2) of section 561.221, Florida
24 Statutes, is amended to read:

25 561.221 Licensing of manufacturers and distributors as
26 vendors and of vendors as manufacturers; conditions and
27 limitations.—

28 (2) (a) Notwithstanding s. 561.22, s. 561.42, or any other
29 provision of the Beverage Law, the division is authorized to

594-03415-15

2015186c2

30 issue vendor's licenses to a manufacturer of malt beverages,
31 even if such manufacturer is also licensed as a distributor, for
32 the sale of alcoholic beverages on property consisting of a
33 single complex, which property shall include a brewery ~~and such~~
34 ~~other structures which promote the brewery and the tourist~~
35 ~~industry of the state. However, such property may be divided by~~
36 ~~no more than one public street or highway. Notwithstanding any~~
37 other provision of the Beverage Law, a manufacturer holding
38 multiple manufacturing licenses may transfer malt beverages to a
39 licensed facility, as provided in s. 563.022(14)(d), in an
40 amount up to the yearly production amount at the receiving
41 facility. Malt beverages and other alcoholic beverages
42 manufactured by another licensed manufacturer, including any
43 malt beverages that are owned in whole or in part by the
44 manufacturer but are brewed by another manufacturer, must be
45 obtained through a licensed distributor that is not also a
46 licensed manufacturer, a licensed broker or sales agent, or a
47 licensed importer. A manufacturer possessing a vendor's license
48 under this subsection is not permitted to make deliveries under
49 s. 561.57(1).

50 (b) The division is authorized to issue up to nine vendor's
51 licenses to a manufacturer of malt beverages pursuant to this
52 subsection.

53 Section 2. Paragraph (e) of subsection (14) of section
54 561.42, Florida Statutes, is amended to read:

55 561.42 Tied house evil; financial aid and assistance to
56 vendor by manufacturer, distributor, importer, primary American
57 source of supply, brand owner or registrant, or any broker,
58 sales agent, or sales person thereof, prohibited; procedure for

594-03415-15

2015186c2

59 enforcement; exception.—

60 (14) The division shall adopt reasonable rules governing
61 promotional displays and advertising, which rules shall not
62 conflict with or be more stringent than the federal regulations
63 pertaining to such promotional displays and advertising
64 furnished to vendors by distributors, manufacturers, importers,
65 primary American sources of supply, or brand owners or
66 registrants, or any broker, sales agent, or sales person
67 thereof; however:

68 (e) A manufacturer, distributor, or importer of malt
69 beverages, or any contracted third-party agent thereof, may
70 ~~Manufacturers, distributors, importers, brand owners, or brand~~
71 ~~registrants of beer, and any broker, sales agent, or sales~~
72 ~~person thereof, shall not~~ conduct any sampling activities that
73 include the tasting of malt beverage products on: their product
74 ~~at a vendor's premises licensed for off-premises sales only.~~

75 1. The licensed premises of any vendor authorized to sell
76 alcoholic beverages by the drink for consumption on premises; or

77 2. The licensed premises of any vendor authorized to sell
78 alcoholic beverages only in sealed containers for consumption
79 off premises if:

80 a. The licensed premises is at an establishment having at
81 least 10,000 square feet of interior floor space exclusive of
82 storage space not open to the general public; or

83 b. The licensed premises is a package store licensed under
84 s. 565.02(1)(a) selling their product at a vendor's premises
85 licensed for off-premises sales only.

86
87 A malt beverage tasting conducted under this paragraph must be

594-03415-15

2015186c2

88 limited to and directed toward the general public of the age of
89 legal consumption. This paragraph does not preclude a vendor,
90 including a vendor or manufacturer licensed pursuant to s.
91 561.221(2) or (3), from conducting a malt beverage tasting on
92 its licensed premises using malt beverages from its own
93 inventory.

94 Section 3. Section 563.0614, Florida Statutes, is created
95 to read:

96 563.0614 Malt beverage container sizes.-

97 (1) Notwithstanding any other provision of the Beverage
98 Law, a malt beverage may be packaged in an individual container
99 of 32, 64, or 128 ounces if it is filled at the point of sale by
100 any of the following:

101 (a) A licensed manufacturer of malt beverages which holds a
102 vendor's license under s. 561.221(2).

103 (b) A vendor holding a quota license that authorizes the
104 sale of malt beverages under ss. 561.20(1) and 565.02(1)(a).

105 (c) A vendor holding a license under s. 563.02(1)(b)-(f),
106 s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
107 restricts the sale of malt beverages to consumption on the
108 premises only.

109 (2) The container must identify or be imprinted or labeled
110 with information specifying the manufacturer, the brand of the
111 malt beverage, the anticipated percentage of alcohol by volume,
112 and must have an unbroken seal or be incapable of being
113 immediately consumed.

114 (3) A person, firm, or corporation, including its agents,
115 officers, or employees, which violates subsection (1) commits a
116 misdemeanor of the first degree, punishable as provided in s.

594-03415-15

2015186c2

117 775.082 or s. 775.083, and the license held by the person, firm,
118 or corporation, if any, is subject to revocation or suspension
119 by the division. A person, firm, or corporation, including its
120 agents, officers, or employees, which violates subsection (2)
121 may be subject to a fine by the division of up to \$250.

122 Section 4. This act shall take effect July 1, 2015.