

By the Committees on Rules; and Regulated Industries; and
Senator Hutson

595-03756A-17

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1 A bill to be entitled
2 An act relating to the Beverage Law; amending s.
3 561.42, F.S.; providing an exemption from provisions
4 relating to the tied house evil for specified
5 financial transactions between a manufacturer of beer
6 or malt beverages and a licensed vendor; providing
7 conditions for the exception; amending s. 562.13,
8 F.S.; revising applicability to specify circumstances
9 under which persons under the age of 18 years who are
10 employed in specified businesses are excluded from
11 certain employment prohibitions; repealing s. 564.05,
12 F.S., relating to limitations on the size of
13 individual wine containers; amending s. 564.055, F.S.;
14 authorizing the packaging, filling, refilling, or sale
15 of cider in growlers; amending s. 564.09, F.S.;
16 revising provisions authorizing a restaurant to allow
17 a patron to remove a resealed wine container from a
18 restaurant for off-premises consumption; providing an
19 effective date.

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

22
23 Section 1. Subsection (15) is added to section 561.42,
24 Florida Statutes, to read:

25 561.42 Tied house evil; financial aid and assistance to
26 vendor by manufacturer, distributor, importer, primary American
27 source of supply, brand owner or registrant, or any broker,
28 sales agent, or sales person thereof, prohibited; procedure for
29 enforcement; exception.—

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30 (15) This section does not apply to a financial transaction
31 negotiated at arm's length for fair market value between a
32 manufacturer of beer or malt beverages, as defined in s. 563.01,
33 and a vendor licensed under the Beverage Law if:

34 (a) Such financial transaction does not involve, either all
35 or in part, the direct sale or distribution of beer or malt
36 beverages between the manufacturer and licensed vendor;

37 (b) Such financial transaction does not limit, either
38 directly or indirectly, the sale of alcoholic beverages from
39 another manufacturer during or in connection with any sponsored
40 events;

41 (c) The vendor operates places of business where
42 consumption on the premises is permitted, which premises are
43 located within a theme park complex comprised of at least 25
44 contiguous acres owned and controlled by the same business
45 entity and which contains permanent exhibitions and a variety of
46 recreational activities and has a minimum of 1 million visitors
47 annually; however, the total number of such transactions in
48 effect during any calendar year with respect to each theme park
49 complex may not exceed 25 transactions; and

50 (d) The financial transaction is registered with the
51 division with a summary of the transaction that includes a
52 description of any sponsored events, activities, or cooperative
53 advertising.

54 Section 2. Paragraph (c) of subsection (2) of section
55 562.13, Florida Statutes, as amended by Senate Bill 106 or other
56 similar legislation, enacted in the 2017 Regular Session or an
57 extension thereof, is amended to read:

58 562.13 Employment of minors or certain other persons by

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59 certain vendors prohibited; exceptions.—

60 (2) This section shall not apply to:

61 (c) 1. Persons under the age of 18 years who are employed in
62 a retail drugstore, grocery store, department store, florist
63 shop, specialty gift shop, or automobile service station whose
64 license fees are specified in ~~s. 563.02(1), s. 564.02(1), or s.~~
65 565.02(1)(a), if such vendor derives 30 percent or less of its
66 monthly gross revenue from sales of alcoholic beverages. This
67 exception applies only if the minor employees are supervised by
68 a person 18 years of age or older who verifies that any
69 purchaser of alcoholic beverages is 21 years of age or older and
70 who approves the sale of alcoholic beverages to such purchaser;
71 however, the requirement for supervision and approval does not
72 apply to sales of beer and wine. Failure to comply with the
73 restriction on monthly revenue from the sale of alcoholic
74 beverages is unlawful if a person under the age of 18 years is
75 employed in the licensed premises during a month that the
76 restriction is exceeded.

77 2. Persons under the age of 18 years who are employed in a
78 retail drug store, grocery store, department store, florist
79 shop, specialty gift shop, or automobile service station that
80 has obtained a license only to sell beer or beer and wine, when
81 such sales are made for consumption off the premises.

82
83 However, a minor to whom this subsection otherwise applies may
84 not be employed if the employment, whether as a professional
85 entertainer or otherwise, involves nudity, as defined in s.
86 847.001, on the part of the minor and such nudity is intended as
87 a form of adult entertainment.

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88 Section 3. Section 564.05, Florida Statutes, is repealed.

89 Section 4. Section 564.055, Florida Statutes, is amended to
90 read:

91 564.055 Cider containers.—Notwithstanding any other law to
92 the contrary, cider, as defined in s. 564.06(4), may be sold by
93 vendors at retail in any size individual container containing no
94 more than 32 ounces of cider; however, this section does not
95 prohibit cider from being packaged and sold in bulk, in kegs or
96 barrels, or in any individual container that contains 1 gallon
97 or more of cider, regardless of container type. In addition,
98 cider may be packaged, filled, refilled, or sold in 32-ounce,
99 64-ounce, and 1-gallon growlers in the same manner and under the
100 same restrictions as authorized for malt beverages pursuant to
101 s. 563.06(7).

102 Section 5. Section 564.09, Florida Statutes, is amended to
103 read:

104 564.09 Restaurants; off-premises consumption of wine.—
105 Notwithstanding any other provision of law, a restaurant
106 licensed to sell wine on the premises may permit a patron to
107 remove one unsealed bottle of wine for consumption off the
108 premises if the patron has purchased a ~~full-course~~ meal
109 ~~consisting of a salad or vegetable, entree, a beverage, and~~
110 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
111 ~~meal~~ on the restaurant premises. A partially consumed bottle of
112 wine that is to be removed from the premises must be securely
113 resealed by the licensee or its employees before removal from
114 the premises. The partially consumed bottle of wine shall be
115 placed in a bag or other container that is secured in such a
116 manner that it is visibly apparent if the container has been

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117 subsequently opened or tampered with, and a dated receipt for
118 the bottle of wine and ~~full-course~~ meal shall be provided by the
119 licensee and attached to the container. If transported in a
120 motor vehicle, the container with the resealed bottle of wine
121 must be placed in a locked glove compartment, a locked trunk, or
122 the area behind the last upright seat of a motor vehicle that is
123 not equipped with a trunk.

124 Section 6. This act shall take effect July 1, 2017.