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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/3R

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03/08/2018 02:45 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Between lines 56 and 57

insert:

Section 2. Section 564.05, Florida Statutes, is repealed.

Section 3. Section 564.055, Florida Statutes, is amended to read:

564.055 Cider containers and growlers.—Notwithstanding any other law to the contrary:7

(1) Cider, as defined in s. 564.06(4), may be sold by vendors at retail in any size individual container containing no



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12 more than 32 ounces of cider.

13 (2) Cider may also be packaged, filled, refilled, or sold
14 in a growler that holds 32, 64, or 128 ounces of such cider if
15 it is filled at the point of sale.

16 (a) Cider packaged in a growler may be filled or refilled
17 by a licensed manufacturer of wine holding a vendor's license
18 under s. 561.221(1)(a) or any person authorized to fill or
19 refill a malt beverage growler pursuant to s. 563.06(7)(a)1.-3.

20 (b) A growler must include an imprint or label that
21 provides information specifying the name of the manufacturer,
22 the brand, and the anticipated percentage of alcohol by volume
23 of the cider. The package must have an unbroken seal or be
24 incapable of being immediately consumed.

25 (c) A licensee authorized to fill or refill growlers may
26 not use growlers for the purposes of distribution or sale
27 outside of the licensed manufacturing premises or licensed
28 vendor premises.

29 (d) A person, firm, or corporation, including its agents,
30 officers, or employees, that violates this subsection commits a
31 misdemeanor of the first degree, punishable as provided in s.
32 775.082 or s. 775.083, and the license held by the person, firm,
33 or corporation, if any, is subject to revocation or suspension
34 by the division. A person, firm, or corporation, including its
35 agents, officers, or employees, that violates paragraph (b) may
36 be subject to a fine by the division of up to \$250.

37 (3) ~~;~~ however, This section does not prohibit cider from
38 being packaged and sold in bulk, in kegs or barrels, or in any
39 individual container that contains 1 gallon or more of cider,
40 regardless of container type.



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41 Section 4. Section 564.09, Florida Statutes, is amended to
42 read:

43 564.09 Restaurants; off-premises consumption of wine.—
44 Notwithstanding any other provision of law, a restaurant
45 licensed to sell wine on the premises may permit a patron to
46 remove one unsealed bottle of wine for consumption off the
47 premises if the patron has purchased a ~~full-course~~ meal
48 ~~consisting of a salad or vegetable, entree, a beverage, and~~
49 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
50 ~~meal~~ on the restaurant premises. A partially consumed bottle of
51 wine that is to be removed from the premises must be securely
52 resealed by the licensee or its employees before removal from
53 the premises. The partially consumed bottle of wine shall be
54 placed in a bag or other container that is secured in such a
55 manner that it is visibly apparent if the container has been
56 subsequently opened or tampered with, and a dated receipt for
57 the bottle of wine and ~~full-course~~ meal shall be provided by the
58 licensee and attached to the container. If transported in a
59 motor vehicle, the container with the resealed bottle of wine
60 must be placed in a locked glove compartment, a locked trunk, or
61 the area behind the last upright seat of a motor vehicle that is
62 not equipped with a trunk.

63 Section 5. Paragraph (c) of subsection (2) of section
64 565.03, Florida Statutes, are amended to read:

65 565.03 License fees; manufacturers, distributors, brokers,
66 sales agents, and importers of alcoholic beverages; vendor
67 licenses and fees; distilleries and craft distilleries.—

68 (2)

69 (c) A craft distillery licensed under this section may sell



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70 to consumers, at its souvenir gift shop, branded products
71 distilled on its premises in this state in factory-sealed
72 containers that are filled at the distillery for off-premises
73 consumption. Such sales are authorized only on private property
74 contiguous to the licensed distillery premises in this state and
75 included on the sketch or diagram defining the licensed premises
76 submitted with the distillery's license application. All sketch
77 or diagram revisions by the distillery shall require the
78 division's approval verifying that the souvenir gift shop
79 location operated by the licensed distillery is owned or leased
80 by the distillery and on property contiguous to the distillery's
81 production building in this state.

82 1. A craft distillery may not sell any factory-sealed
83 individual containers of spirits except in face-to-face sales
84 transactions with consumers ~~who are making a purchase of no more~~
85 ~~than six individual containers of each branded product.~~

86 2. Each container sold in face-to-face transactions with
87 consumers must comply with the container limits in s. 565.10,
88 per calendar year for the consumer's personal use and not for
89 resale and who are present at the distillery's licensed premises
90 in this state.

91 3. A craft distillery must report to the division within 5
92 days after it reaches the production limitations provided in
93 paragraph (1)(b). Any retail sales to consumers at the craft
94 distillery's licensed premises are prohibited beginning the day
95 after it reaches the production limitation.

96 4. A craft distillery may not ship or arrange to ship any
97 of its distilled spirits to consumers and may sell and deliver
98 only to consumers within the state in a face-to-face transaction



99 at the distillery property. However, a craft distiller licensed
100 under this section may ship, arrange to ship, or deliver such
101 spirits to manufacturers of distilled spirits, wholesale
102 distributors of distilled spirits, state or federal bonded
103 warehouses, and exporters.

104 5. Except as provided in subparagraph 6., it is unlawful to
105 transfer a distillery license for a distillery that produces
106 75,000 or fewer gallons per calendar year of distilled spirits
107 on its premises or any ownership interest in such license to an
108 individual or entity that has a direct or indirect ownership
109 interest in any distillery licensed in this state; another
110 state, territory, or country; or by the United States government
111 to manufacture, blend, or rectify distilled spirits for beverage
112 purposes.

113 6. A craft distillery shall not have its ownership
114 affiliated with another distillery, unless such distillery
115 produces 75,000 or fewer gallons per calendar year of distilled
116 spirits on each of its premises in this state or in another
117 state, territory, or country.

118
119 ===== T I T L E A M E N D M E N T =====

120 And the title is amended as follows:

121 Delete line 12

122 and insert:

123 alcoholic beverages; repealing s. 564.05, F.S.,
124 relating to limitations on the size of individual wine
125 containers; amending s. 564.055, F.S.; authorizing the
126 packaging, filling, refilling, or sale of cider in
127 growlers of specified sizes and under specified



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128 circumstances; providing labeling and packaging
129 requirements for cider growers; restricting the use
130 of cider growers; providing criminal and civil
131 penalties and license revocation or suspension for
132 certain persons or licensees who violate provisions
133 regulating cider growers; amending s. 564.09, F.S.;
134 revising provisions authorizing a restaurant to allow
135 a patron to remove bottles of wine from a restaurant
136 for off-premises consumption; amending s. 565.03,
137 F.S.; deleting a provision that prohibits a craft
138 distillery from selling more than six individual
139 containers of a branded product to a consumer;
140 providing an effective date.