

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Perez offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (6) of section 562.34, Florida
7 Statutes, is amended to read:

8 562.34 Containers; seizure and forfeiture.—

9 (6) Notwithstanding the provisions of this section, it
10 shall not be unlawful for any person to have in her or his
11 possession, custody, or control a growler as described in s.
12 563.06(7) or s. 564.055(2), either full or empty, or to
13 transport such growler.

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 Section 564.05, Florida Statutes, is repealed.

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

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17 564.055 Cider containers and growlers.—Notwithstanding any
18 other law to the contrary:⁷

19 (1) Cider, as defined in s. 564.06(4), may be sold by
20 vendors at retail in any size individual container containing no
21 more than 32 ounces of cider.

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

25 (a) A cider growler may be filled or refilled by a
26 licensed manufacturer of wine holding a vendor's license under
27 s. 561.221(1) (a) or any person authorized to fill or refill a
28 malt beverage growler pursuant to s. 563.06(7) (a)1.-3.

29 (b) A growler must include an imprint or label that
30 provides information specifying the name of the manufacturer,
31 the brand, and the anticipated percentage of alcohol by volume
32 of cider. The package must have an unbroken seal or be incapable
33 of being immediately consumed.

34 (c) A licensee authorized to fill or refill growlers may
35 not use growlers for the purposes of distribution or sale
36 outside of the licensed manufacturing premises or licensed
37 vendor premises.

38 (d) A person, firm, or corporation, including its agents,
39 officers, or employees, which violates this subsection commits a
40 misdemeanor of the first degree, punishable as provided in s.
41 775.082 or s. 775.083, and the license held by the person, firm,

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42 or corporation, if any, is subject to revocation or suspension
43 by the division. A person, firm, or corporation, including its
44 agents, officers, or employees, which violates paragraph (b),
45 may be subject to a fine by the division of up to \$250.

46 (3) ; however, This section does not prohibit cider from
47 being packaged and sold in bulk, in kegs or barrels, or in any
48 individual container that contains 1 gallon or more of cider,
49 regardless of container type.

50 Section 4. Section 564.09, Florida Statutes, is amended to
51 read:

52 564.09 Restaurants; off-premises consumption of wine.—
53 Notwithstanding any other provision of law, a restaurant
54 licensed to sell wine on the premises may permit a patron to
55 remove one unsealed bottle of wine for consumption off the
56 premises if the patron has purchased a ~~full-course~~ meal
57 ~~consisting of a salad or vegetable, entree, a beverage, and~~
58 ~~bread~~ and consumed a portion of the bottle of wine with such
59 meal on the restaurant premises. A partially consumed bottle of
60 wine that is to be removed from the premises must be securely
61 resealed by the licensee or its employees before removal from
62 the premises. The partially consumed bottle of wine shall be
63 placed in a bag or other container that is secured in such a
64 manner that it is visibly apparent if the container has been
65 subsequently opened or tampered with, and a dated receipt for
66 the bottle of wine and ~~full-course~~ meal shall be provided by the

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67 licensee and attached to the container. If transported in a
68 motor vehicle, the container with the resealed bottle of wine
69 must be placed in a locked glove compartment, a locked trunk, or
70 the area behind the last upright seat of a motor vehicle that is
71 not equipped with a trunk.

72 Section 5. This act shall take effect July 1, 2018.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to the Beverage Law; amending s. 562.34, F.S.;

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authorizing the possession and transport of cider growlers;

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repealing s. 564.05, F.S., relating to limitations on the size

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of individual wine containers; amending s. 564.055, F.S.;

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authorizing the packaging, filling, refilling, or sale of cider

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in growlers; providing labeling and packaging requirements;

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providing penalties for certain persons or licensees who violate

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provisions regulating cider growlers; amending s. 564.09, F.S.;

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revising provisions authorizing a restaurant to allow a patron

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to remove bottles of wine from a restaurant for off-premises

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consumption; providing an effective date.

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