

1                   A bill to be entitled  
2           An act relating to the Beverage Law; amending s.  
3           562.34, F.S.; conforming provisions to changes made by  
4           the act; creating s. 562.65, F.S.; providing  
5           definitions; authorizing a licensed vendor of  
6           alcoholic beverages to allow dogs in certain  
7           designated areas on their licensed premises; providing  
8           conditions for dogs to be allowed in a licensed  
9           premises; providing rulemaking; amending s. 563.06,  
10          F.S.; revising limitations on the size of malt  
11          beverage containers; repealing s. 564.05, F.S.,  
12          relating to limitations on the size of individual wine  
13          containers; amending s. 564.055, F.S.; authorizing  
14          cider to be packaged, filled, refilled, or sold in a  
15          growler under certain conditions; providing  
16          requirements; providing penalties; amending s. 564.09,  
17          F.S.; revising provisions that authorize a restaurant  
18          to allow patrons to remove partially consumed bottles  
19          of wine from a restaurant for off-premises  
20          consumption; amending s. 565.03, F.S.; redefining the  
21          terms "branded product" and "craft distillery";  
22          specifying limitations on a craft distillery's retail  
23          sales to consumers; deleting a provision that  
24          prohibits a craft distillery from selling more than  
25          six individual containers of a branded product to a

26 consumer; declaring that it is unlawful to transfer a  
 27 distillery license, or ownership in a distillery  
 28 license, for certain distilleries to certain  
 29 individuals or entities; prohibiting a craft  
 30 distillery from having its ownership affiliated with  
 31 certain other distilleries; authorizing a craft  
 32 distillery to transfer specified distilled spirits  
 33 from certain locations to its souvenir gift shop;  
 34 revising limitations on craft distillery shipments of  
 35 items purchased in face-to-face transactions;  
 36 providing an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

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

42 562.34 Containers; seizure and forfeiture.—

43 (6) Notwithstanding the provisions of this section, it  
 44 shall not be unlawful for any person to have in her or his  
 45 possession, custody, or control a growler as described in s.  
 46 563.06(7) or s. 564.055(1)(b), either full or empty, or to  
 47 transport such growler.

48 Section 2. Section 562.65, Florida Statutes, is created to  
 49 read:

50 562.65 Licensed premises of vendors; dogs allowed in

51 designated areas.-

52 (1) As used in this section, the term:

53 (a) "Division" means the Division of Alcoholic Beverages  
54 and Tobacco of the Department of Business and Professional  
55 Regulation.

56 (b) "Dog" means a dog that is domesticated and kept as a  
57 household pet.

58 (c) "Licensed premises" has the same meaning as provided  
59 in s. 561.01(11).

60 (d) "Vendor" means a person who is licensed under the  
61 Beverage Law to sell or serve alcoholic beverages for  
62 consumption on the premises. The term includes a winery  
63 qualifying as a certified Florida Farm Winery under s. 599.004.

64 (2) A vendor may allow dogs in designated areas, including  
65 certain indoor areas, of the licensed premises under the  
66 following conditions:

67 (a) No more than 10 percent of the gross revenue of the  
68 vendor's business may be from the sale of food consumed on the  
69 licensed premises. Ice may not be considered food.

70 (b) A patron's dog must be keep on a leash at all times  
71 and under reasonable control.

72 (c) Dogs may not be on tables, bar tops, or other  
73 furnishings.

74 (d) Dogs may not be in any area of the licensed premises  
75 where food is stored or prepared.

76        (e) Dog waste must be removed immediately and the area  
77 sanitized.

78        (f) A patron may be held liable if they fail to follow  
79 paragraphs (b)-(e) when that failure causes injury to another.

80        (3) The division may adopt reasonable rules to administer  
81 this section.

82        Section 3. Subsection (6) of section 563.06, Florida  
83 Statutes, is amended to read:

84        563.06 Malt beverages; imprint on individual container;  
85 size of containers; exemptions.—

86        (6) With the exception of growlers as described in  
87 subsection (7), all malt beverages packaged in individual  
88 containers sold or offered for sale by vendors at retail in this  
89 state shall be in individual containers containing no more than  
90 32 ounces of such malt beverages; however, nothing contained in  
91 this section shall affect malt beverages packaged in bulk, in  
92 kegs, or in barrels or in any individual container containing  
93 either 2 liters or 1 gallon or more of such malt beverage  
94 regardless of individual container type.

95        Section 4. Section 564.05, Florida Statutes, is repealed.

96        Section 5. Section 564.055, Florida Statutes, is amended  
97 to read:

98        564.055 Cider containers and growlers.—

99        (1) Notwithstanding any other law to the contrary, cider,  
100 as defined in s. 564.06(4), may be:

101        (a) Sold by vendors at retail in any size individual  
 102 container containing no more than 32 ounces of cider.

103        (b) Packaged, filled, refilled, or sold in a growler that  
 104 holds 32, 64, or 128 ounces of such cider, if it is filled at  
 105 the point of sale.

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

110        2. The growler must include an imprint or label that  
 111 provides information specifying the name of the manufacturer,  
 112 the brand, and the anticipated percent of alcohol by volume of  
 113 the cider. The package must have an unbroken seal or be  
 114 incapable of being immediately consumed.

115        3. A licensee authorized to fill or refill growlers may  
 116 not use growlers for the purpose of distribution or sale outside  
 117 of the licensed manufacturing premises or licensed vendor  
 118 premises.

119        4. A person, firm, or corporation, including its agents,  
 120 officers, or employees, that violates this subsection commits a  
 121 misdemeanor of the first degree, punishable as provided in s.  
 122 775.082 or s. 775.083, and the license held by the person, firm,  
 123 or corporation, if any, is subject to revocation or suspension  
 124 by the division. A person, firm, or corporation, including its  
 125 agents, officers, or employees, that violates subparagraph 2. is

126 subject to a fine by the division of up to \$250.

127 (2)  ~~; however,~~ This section does not prohibit cider from  
128 being packaged and sold in bulk, in kegs or barrels, or in any  
129 individual container that contains either 2 liters or 1 gallon  
130 or more of cider, regardless of container type.

131 Section 6. Section 564.09, Florida Statutes, is amended to  
132 read:

133 564.09 Restaurants; off-premises consumption of wine.—  
134 Notwithstanding any other provision of law, a restaurant  
135 licensed to sell wine on the premises may permit a patron to  
136 remove one unsealed bottle of wine for consumption off the  
137 premises if the patron has purchased a ~~full-course~~ meal  
138 ~~consisting of a salad or vegetable, entree, a beverage, and~~  
139 ~~bread~~ and consumed a portion of the bottle of wine with such  
140 meal on the restaurant premises. A partially consumed bottle of  
141 wine that is to be removed from the premises must be securely  
142 resealed by the licensee or its employees before removal from  
143 the premises. The partially consumed bottle of wine shall be  
144 placed in a bag or other container that is secured in such a  
145 manner that it is visibly apparent if the container has been  
146 subsequently opened or tampered with, and a dated receipt for  
147 the bottle of wine and ~~full-course~~ meal shall be provided by the  
148 licensee and attached to the container. If transported in a  
149 motor vehicle, the container with the resealed bottle of wine  
150 must be placed in a locked glove compartment, a locked trunk, or

151 the area behind the last upright seat of a motor vehicle that is  
 152 not equipped with a trunk.

153 Section 7. Paragraphs (a) and (b) of subsection (1) and  
 154 paragraph (c) of subsection (2) of section 565.03, Florida  
 155 Statutes, are amended to read:

156 565.03 License fees; manufacturers, distributors, brokers,  
 157 sales agents, and importers of alcoholic beverages; vendor  
 158 licenses and fees; distilleries and craft distilleries.—

159 (1) As used in this section, the term:

160 (a) "Branded product" means any distilled spirits product  
 161 manufactured on site, or manufactured on site and blended on  
 162 site with other distilled spirits, which requires a federal  
 163 certificate and label approval by the Federal Alcohol  
 164 Administration Act or federal regulations.

165 (b) "Craft distillery" means a licensed distillery that  
 166 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
 167 distilled spirits on its premises and is designated as a craft  
 168 distillery by ~~has notified~~ the division upon notification in  
 169 writing of its decision to qualify as a craft distillery.

170 (2)

171 (c) A craft distillery licensed under this section may  
 172 sell to consumers, at its souvenir gift shop, up to 75,000  
 173 gallons per calendar year of branded products ~~distilled on its~~  
 174 ~~premises in this state~~ in factory-sealed containers that are  
 175 filled at the distillery for off-premises consumption. Such

176 sales are authorized only on private property contiguous to the  
177 licensed distillery premises in this state and included on the  
178 sketch or diagram defining the licensed premises submitted with  
179 the distillery's license application. All sketch or diagram  
180 revisions by the distillery shall require the division's  
181 approval verifying that the souvenir gift shop location operated  
182 by the licensed distillery is owned or leased by the distillery  
183 and on property contiguous to the distillery's production  
184 building in this state.

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

189 2. Each container sold in face-to-face transactions with  
190 consumers must comply with the container limits in s. 565.10,  
191 per calendar year for the consumer's personal use and not for  
192 resale and who are present at the distillery's licensed premises  
193 in this state.

194 3. A craft distillery must report to the division within 5  
195 days after it reaches the production limitations provided in  
196 paragraph (1)(b). Any retail sales to consumers at the craft  
197 distillery's licensed premises are prohibited beginning the day  
198 after it reaches the production limitation.

199 4. A craft distillery ~~may not ship or arrange to ship any~~  
200 ~~of its distilled spirits to consumers and may sell its distilled~~



201 spirits and deliver only to consumers ~~within the state~~ in a  
202 face-to-face transaction at the distillery property. However, a  
203 craft distiller licensed under this section may ship, arrange to  
204 ship, or deliver such spirits to manufacturers of distilled  
205 spirits, wholesale distributors of distilled spirits, state or  
206 federal bonded warehouses, and exporters. A craft distillery may  
207 ship, arrange to ship, or deliver its distilled spirits to a  
208 consumer who has purchased such spirits in a face-to-face  
209 transaction at the distillery property, only if the delivery or  
210 shipment is made through a common carrier authorized to deliver  
211 or ship distilled spirits in the jurisdiction to which the  
212 products will be delivered or shipped.

213 5. Except as provided in subparagraph 6., it is unlawful  
214 to transfer a distillery license for a distillery that produces  
215 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled  
216 spirits on its premises or any ownership interest in such  
217 license to an individual or entity that has a direct or indirect  
218 ownership interest in any distillery licensed in this state;  
219 another state, territory, or country; or by the United States  
220 government to manufacture, blend, or rectify distilled spirits  
221 for beverage purposes.

222 6. A craft distillery shall not have its ownership  
223 affiliated with another distillery, unless such distillery  
224 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
225 distilled spirits on each of its premises in this state or in

HB 1219

2019

226 | another state, territory, or country.

227 |       7. A craft distillery may transfer up to 75,000 gallons  
228 | per calendar year of distilled spirits it manufactures from its  
229 | federal bonded space, nonbonded space at its licensed premises,  
230 | or storage areas to its souvenir gift shop.

231 |       Section 8. This act shall take effect July 1, 2019.