

1 A bill to be entitled
2 An act relating to the Beverage Law; amending s.
3 561.20, F.S.; deleting a provision prohibiting a
4 specified licensee from certain actions relating
5 alcoholic beverages to be sold or served at a catered
6 event; amending s. 561.221, F.S.; authorizing a craft
7 distillery to hold multiple vendor's licenses for the
8 sale of alcoholic beverages; authorizing certain
9 wineries and craft distilleries to transfer wine or
10 distilled spirits to its vendor's licensed premises;
11 requiring the Division of Alcoholic Beverages and
12 Tobacco of the Department of Business and Professional
13 Regulation to issue permits to a craft distillery to
14 conduct tastings and sales at specified events;
15 amending s. 561.24, F.S.; authorizing a craft
16 distillery to be licensed as a distributor under
17 certain circumstances; amending s. 561.42, F.S.;
18 prohibiting certain entities and persons from directly
19 or indirectly providing certain items or services to
20 any vendor; prohibiting a licensed vendor from
21 accepting certain items or services; authorizing the
22 Division of Alcoholic Beverages and Tobacco to impose
23 administrative sanctions for a violation of certain
24 limitations established in the Beverage Law;
25 prohibiting a vendor from displaying certain signs in

26 | the window or windows of his or her licensed premises;
27 | authorizing certain entities and persons to give,
28 | lend, furnish, or sell certain advertising material to
29 | certain vendors; providing a definition for the term
30 | "decalcomania"; providing exemptions relating to tied
31 | house evil for certain sales and purchases of
32 | merchandise; providing conditions for the exemptions;
33 | providing a definition for the term "merchandise";
34 | prohibiting a manufacturer or importer of malt
35 | beverages from soliciting or receiving any portion of
36 | certain payments from its distributors; providing a
37 | definition for the term "negotiated at arm's length";
38 | specifying that a brand-naming rights agreement does
39 | not obligate or place responsibility upon a
40 | distributor; providing civil penalties for violations
41 | by manufacturers or importers of malt beverages or
42 | vendors; providing applicability; prohibiting the
43 | division from imposing certain civil penalties that
44 | are greater than the financial value of a brand-naming
45 | rights agreement; amending s. 562.34, F.S.; conforming
46 | provisions to changes made by the act; creating s.
47 | 562.65, F.S.; providing definitions; authorizing a
48 | licensed vendor of alcoholic beverages to allow dogs
49 | and cats in certain designated areas on their licensed
50 | premises; providing conditions for dogs or cats to be

51 allowed in a licensed premises; providing rulemaking;
52 amending s. 563.06, F.S.; revising limitations on the
53 size of malt beverage containers; repealing s. 564.05,
54 F.S., relating to limitations on the size of
55 individual wine containers; amending s. 564.055, F.S.;
56 authorizing cider to be packaged, filled, refilled, or
57 sold in a growler under certain conditions; providing
58 requirements; providing penalties; revising
59 limitations on the size of cider containers; amending
60 s. 564.09, F.S.; revising provisions that authorize a
61 restaurant to allow patrons to remove partially
62 consumed bottles of wine from a restaurant for off-
63 premises consumption; amending s. 565.03, F.S.;
64 revising definitions; revising the requirements for
65 the sale of branded products by a licensed craft
66 distillery to consumers; deleting a provision that
67 prohibits a craft distillery from selling more than
68 six individual containers of a branded product to a
69 consumer; revising requirements relating to the
70 shipping of distilled spirits to consumers by a craft
71 distillery; providing that it is unlawful to transfer
72 a certain distillery license, or ownership in a
73 distillery license, to certain individuals or
74 entities; prohibiting a craft distillery from having
75 its ownership affiliated with certain other

76 distilleries; authorizing a craft distillery to
 77 transfer specified distilled spirits to its souvenir
 78 gift shop; requiring a craft distillery to submit
 79 certain excise taxes; amending s. 565.17, F.S.;
 80 authorizing a craft distillery to conduct spirituous
 81 beverage tastings under certain circumstances;
 82 providing an effective date.

83

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

85

86 Section 1. Paragraph (a) of subsection (2) of section
 87 561.20, Florida Statutes, is amended to read:

88 561.20 Limitation upon number of licenses issued.—

89 (2) (a) The limitation of the number of licenses as
 90 provided in this section does not prohibit the issuance of a
 91 special license to:

92 1. Any bona fide hotel, motel, or motor court of not fewer
 93 than 80 guest rooms in any county having a population of less
 94 than 50,000 residents, and of not fewer than 100 guest rooms in
 95 any county having a population of 50,000 residents or greater;
 96 or any bona fide hotel or motel located in a historic structure,
 97 as defined in s. 561.01(21), with fewer than 100 guest rooms
 98 which derives at least 51 percent of its gross revenue from the
 99 rental of hotel or motel rooms, which is licensed as a public
 100 lodging establishment by the Division of Hotels and Restaurants;

101 provided, however, that a bona fide hotel or motel with no fewer
102 than 10 and no more than 25 guest rooms which is a historic
103 structure, as defined in s. 561.01(21), in a municipality that
104 on the effective date of this act has a population, according to
105 the University of Florida's Bureau of Economic and Business
106 Research Estimates of Population for 1998, of no fewer than
107 25,000 and no more than 35,000 residents and that is within a
108 constitutionally chartered county may be issued a special
109 license. This special license shall allow the sale and
110 consumption of alcoholic beverages only on the licensed premises
111 of the hotel or motel. In addition, the hotel or motel must
112 derive at least 60 percent of its gross revenue from the rental
113 of hotel or motel rooms and the sale of food and nonalcoholic
114 beverages; provided that this subparagraph shall supersede local
115 laws requiring a greater number of hotel rooms;

116 2. Any condominium accommodation of which no fewer than
117 100 condominium units are wholly rentable to transients and
118 which is licensed under chapter 509, except that the license
119 shall be issued only to the person or corporation that operates
120 the hotel or motel operation and not to the association of
121 condominium owners;

122 3. Any condominium accommodation of which no fewer than 50
123 condominium units are wholly rentable to transients, which is
124 licensed under chapter 509, and which is located in any county
125 having home rule under s. 10 or s. 11, Art. VIII of the State

126 Constitution of 1885, as amended, and incorporated by reference
127 in s. 6(e), Art. VIII of the State Constitution, except that the
128 license shall be issued only to the person or corporation that
129 operates the hotel or motel operation and not to the association
130 of condominium owners;

131 4. A food service establishment that has 2,500 square feet
132 of service area, is equipped to serve meals to 150 persons at
133 one time, and derives at least 51 percent of its gross food and
134 beverage revenue from the sale of food and nonalcoholic
135 beverages during the first 60-day operating period and each 12-
136 month operating period thereafter. A food service establishment
137 granted a special license on or after January 1, 1958, pursuant
138 to general or special law may not operate as a package store and
139 may not sell intoxicating beverages under such license after the
140 hours of serving or consumption of food have elapsed. Failure by
141 a licensee to meet the required percentage of food and
142 nonalcoholic beverage gross revenues during the covered
143 operating period shall result in revocation of the license or
144 denial of the pending license application. A licensee whose
145 license is revoked or an applicant whose pending application is
146 denied, or any person required to qualify on the special license
147 application, is ineligible to have any interest in a subsequent
148 application for such a license for a period of 120 days after
149 the date of the final denial or revocation;

150 5. Any caterer, deriving at least 51 percent of its gross

151 food and beverage revenue from the sale of food and nonalcoholic
152 beverages at each catered event, licensed by the Division of
153 Hotels and Restaurants under chapter 509. This subparagraph does
154 not apply to a culinary education program, as defined in s.
155 381.0072(2), which is licensed as a public food service
156 establishment by the Division of Hotels and Restaurants and
157 provides catering services. Notwithstanding any law to the
158 contrary, a licensee under this subparagraph shall sell or serve
159 alcoholic beverages only for consumption on the premises of a
160 catered event at which the licensee is also providing prepared
161 food, and shall prominently display its license at any catered
162 event at which the caterer is selling or serving alcoholic
163 beverages. A licensee under this subparagraph shall purchase all
164 alcoholic beverages it sells or serves at a catered event from a
165 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
166 under s. 565.02(1) subject to the limitation imposed in
167 subsection (1), as appropriate. ~~A licensee under this~~
168 ~~subparagraph may not store any alcoholic beverages to be sold or~~
169 ~~served at a catered event. Any alcoholic beverages purchased by~~
170 ~~a licensee under this subparagraph for a catered event that are~~
171 ~~not used at that event must remain with the customer; provided~~
172 ~~that if the vendor accepts unopened alcoholic beverages, the~~
173 ~~licensee may return such alcoholic beverages to the vendor for a~~
174 ~~credit or reimbursement.~~ Regardless of the county or counties in
175 which the licensee operates, a licensee under this subparagraph

176 shall pay the annual state license tax set forth in s.
177 565.02(1)(b). A licensee under this subparagraph must maintain
178 for a period of 3 years all records and receipts for each
179 catered event, including all contracts, customers' names, event
180 locations, event dates, food purchases and sales, alcoholic
181 beverage purchases and sales, nonalcoholic beverage purchases
182 and sales, and any other records required by the department by
183 rule to demonstrate compliance with the requirements of this
184 subparagraph. Notwithstanding any law to the contrary, any
185 vendor licensed under s. 565.02(1) subject to the limitation
186 imposed in subsection (1), may, without any additional licensure
187 under this subparagraph, serve or sell alcoholic beverages for
188 consumption on the premises of a catered event at which prepared
189 food is provided by a caterer licensed under chapter 509. If a
190 licensee under this subparagraph also possesses any other
191 license under the Beverage Law, the license issued under this
192 subparagraph shall not authorize the holder to conduct
193 activities on the premises to which the other license or
194 licenses apply that would otherwise be prohibited by the terms
195 of that license or the Beverage Law. Nothing in this section
196 shall permit the licensee to conduct activities that are
197 otherwise prohibited by the Beverage Law or local law. The
198 Division of Alcoholic Beverages and Tobacco is hereby authorized
199 to adopt rules to administer the license created in this
200 subparagraph, to include rules governing licensure,

201 recordkeeping, and enforcement. The first \$300,000 in fees
202 collected by the division each fiscal year pursuant to this
203 subparagraph shall be deposited in the Department of Children
204 and Families' Operations and Maintenance Trust Fund to be used
205 only for alcohol and drug abuse education, treatment, and
206 prevention programs. The remainder of the fees collected shall
207 be deposited into the Hotel and Restaurant Trust Fund created
208 pursuant to s. 509.072; or

209 6. A culinary education program as defined in s.
210 381.0072(2) which is licensed as a public food service
211 establishment by the Division of Hotels and Restaurants.

212 a. This special license shall allow the sale and
213 consumption of alcoholic beverages on the licensed premises of
214 the culinary education program. The culinary education program
215 shall specify designated areas in the facility where the
216 alcoholic beverages may be consumed at the time of application.
217 Alcoholic beverages sold for consumption on the premises may be
218 consumed only in areas designated pursuant to s. 561.01(11) and
219 may not be removed from the designated area. Such license shall
220 be applicable only in and for designated areas used by the
221 culinary education program.

222 b. If the culinary education program provides catering
223 services, this special license shall also allow the sale and
224 consumption of alcoholic beverages on the premises of a catered
225 event at which the licensee is also providing prepared food. A

226 | culinary education program that provides catering services is
227 | not required to derive at least 51 percent of its gross revenue
228 | from the sale of food and nonalcoholic beverages.
229 | Notwithstanding any law to the contrary, a licensee that
230 | provides catering services under this sub-subparagraph shall
231 | prominently display its beverage license at any catered event at
232 | which the caterer is selling or serving alcoholic beverages.
233 | Regardless of the county or counties in which the licensee
234 | operates, a licensee under this sub-subparagraph shall pay the
235 | annual state license tax set forth in s. 565.02(1)(b). A
236 | licensee under this sub-subparagraph must maintain for a period
237 | of 3 years all records required by the department by rule to
238 | demonstrate compliance with the requirements of this sub-
239 | subparagraph.

240 | c. If a licensee under this subparagraph also possesses
241 | any other license under the Beverage Law, the license issued
242 | under this subparagraph does not authorize the holder to conduct
243 | activities on the premises to which the other license or
244 | licenses apply that would otherwise be prohibited by the terms
245 | of that license or the Beverage Law. Nothing in this
246 | subparagraph shall permit the licensee to conduct activities
247 | that are otherwise prohibited by the Beverage Law or local law.
248 | Any culinary education program that holds a license to sell
249 | alcoholic beverages shall comply with the age requirements set
250 | forth in ss. 562.11(4), 562.111(2), and 562.13.

251 d. The Division of Alcoholic Beverages and Tobacco may
252 adopt rules to administer the license created in this
253 subparagraph, to include rules governing licensure,
254 recordkeeping, and enforcement.

255 e. A license issued pursuant to this subparagraph does not
256 permit the licensee to sell alcoholic beverages by the package
257 for off-premises consumption.

258

259 However, any license heretofore issued to any such hotel, motel,
260 motor court, or restaurant or hereafter issued to any such
261 hotel, motel, or motor court, including a condominium
262 accommodation, under the general law shall not be moved to a new
263 location, such license being valid only on the premises of such
264 hotel, motel, motor court, or restaurant. Licenses issued to
265 hotels, motels, motor courts, or restaurants under the general
266 law and held by such hotels, motels, motor courts, or
267 restaurants on May 24, 1947, shall be counted in the quota
268 limitation contained in subsection (1). Any license issued for
269 any hotel, motel, or motor court under this law shall be issued
270 only to the owner of the hotel, motel, or motor court or, in the
271 event the hotel, motel, or motor court is leased, to the lessee
272 of the hotel, motel, or motor court; and the license shall
273 remain in the name of the owner or lessee so long as the license
274 is in existence. Any special license now in existence heretofore
275 issued under this law cannot be renewed except in the name of

276 the owner of the hotel, motel, motor court, or restaurant or, in
277 the event the hotel, motel, motor court, or restaurant is
278 leased, in the name of the lessee of the hotel, motel, motor
279 court, or restaurant in which the license is located and must
280 remain in the name of the owner or lessee so long as the license
281 is in existence. Any license issued under this section shall be
282 marked "Special," and nothing herein provided shall limit,
283 restrict, or prevent the issuance of a special license for any
284 restaurant or motel which shall hereafter meet the requirements
285 of the law existing immediately prior to the effective date of
286 this act, if construction of such restaurant has commenced prior
287 to the effective date of this act and is completed within 30
288 days thereafter, or if an application is on file for such
289 special license at the time this act takes effect; and any such
290 licenses issued under this proviso may be annually renewed as
291 now provided by law. Nothing herein prevents an application for
292 transfer of a license to a bona fide purchaser of any hotel,
293 motel, motor court, or restaurant by the purchaser of such
294 facility or the transfer of such license pursuant to law.

295 Section 2. Subsection (1) of section 561.221, Florida
296 Statutes, is amended to read:

297 561.221 Licensing of manufacturers and distributors as
298 vendors and of vendors as manufacturers; conditions and
299 limitations.—

300 (1) (a) Nothing contained in s. 561.22, s. 561.42, or any

301 other provision of the Beverage Law prohibits the ownership,
302 management, operation, or control of not more than three
303 vendor's licenses for the sale of alcoholic beverages by a
304 manufacturer of wine who is licensed and engaged in the
305 manufacture of wine in this state or by a craft distillery, as
306 defined in s. 565.03, even if such manufacturer or distillery is
307 also licensed as a distributor; provided that no such vendor's
308 license shall be owned, managed, operated, or controlled by any
309 licensed manufacturer of wine or a craft distillery unless the
310 licensed premises of the vendor are situated on property
311 contiguous to the manufacturing premises of the licensed
312 manufacturer of wine or the craft distillery. It is not a
313 violation of the Beverage Law for a craft distillery that is
314 also licensed as a vendor under this section to transfer
315 distilled spirits directly from the craft distillery or from its
316 storage areas approved by the division to the areas designated
317 on the sketch or diagram submitted to the division.

318 (b) The Division of Alcoholic Beverages and Tobacco shall
319 issue permits to a certified Florida Farm Winery or a craft
320 distillery to conduct tastings ~~tasting~~ and sales of wine
321 produced by certified Florida Farm Wineries or of distilled
322 spirits produced by craft distilleries at Florida fairs, trade
323 shows, expositions, and festivals. The certified Florida Farm
324 Winery or craft distillery shall pay all entry fees and shall
325 have a winery or distillery representative present during the

326 event. The permit is limited to the length of the event.

327 Section 3. Subsection (9) is added to section 561.24,
328 Florida Statutes, to read:

329 561.24 Licensing manufacturers as distributors or
330 registered exporters prohibited; procedure for issuance and
331 renewal of distributors' licenses and exporters' registrations.—

332 (9) This section does not apply to a craft distillery, as
333 defined in s. 565.03, at which 60 percent of the distilled
334 spirits produced are made with agricultural products from this
335 state and is open to the public for tours, tastings, and sales
336 at least 30 hours each week.

337 Section 4. Present subsection (13) of section 561.42,
338 Florida Statutes, is renumbered as subsection (14), subsections
339 (1), (8), (11), (12), and paragraph (b) of present subsection
340 (14) of that section are amended, and new subsections (13) and
341 (16) are added to that section, to read:

342 561.42 Tied house evil; financial aid and assistance to
343 vendor by manufacturer, distributor, importer, primary American
344 source of supply, brand owner or registrant, or any broker,
345 sales agent, or sales person thereof, prohibited; procedure for
346 enforcement; exception.—

347 (1) A ~~No~~ manufacturer, distributor, importer, primary
348 American source of supply, or brand owner or registrant of any
349 of the beverages herein referred to, whether licensed or
350 operating in this state or out-of-state, nor any broker, sales

351 agent, or sales person thereof, may not ~~shall~~ have any financial
352 interest, directly or indirectly, in the establishment or
353 business of any vendor licensed under the Beverage Law; nor may
354 ~~shall~~ such manufacturer, distributor, importer, primary American
355 source of supply, brand owner or brand registrant, or any
356 broker, sales agent, or sales person thereof, directly or
357 indirectly assist any vendor by furnishing, supplying, selling,
358 renting, lending, buying for, or giving to any vendor any
359 vehicles, equipment, furniture, fixtures, signs, supplies,
360 credit, fees, slotting fees of any kind, advertising or
361 cooperative advertising, services, ~~any~~ gifts or loans of money
362 or property of any description, ~~or by the giving of any rebates~~
363 of any kind whatsoever. A ~~No~~ licensed vendor may not ~~shall~~
364 accept, directly or indirectly, any vehicles, equipment,
365 furniture, fixtures, signs, supplies, credit, fees, slotting
366 fees of any kind, advertising or cooperative advertising,
367 services, gifts ~~any gift~~ or loans ~~loan~~ of money or property of
368 any description, ~~or any rebates~~ of any kind whatsoever from any
369 such manufacturer, distributor, importer, primary American
370 source of supply, brand owner or brand registrant, or any
371 broker, sales agent, or sales person thereof; provided, however,
372 that this does not apply to any bottles, barrels, or other
373 containers necessary for the legitimate transportation of such
374 beverages or to advertising materials and does not apply to the
375 extension of credit, for liquors sold, made strictly in

376 compliance with ~~the provisions of~~ this section. A brand owner is
377 a person who is not a manufacturer, distributor, importer,
378 primary American source of supply, brand registrant, or broker,
379 sales agent, or sales person thereof, but who directly or
380 indirectly owns or controls any brand, brand name, or label of
381 alcoholic beverage. Nothing in this section shall prohibit the
382 ownership by vendors of any brand, brand name, or label of
383 alcoholic beverage.

384 (8) The division may adopt rules and require reports to
385 enforce, and may impose administrative sanctions for any
386 violation of, the limitations established under the Beverage Law
387 on vehicles, equipment, furniture, fixtures, signs, supplies,
388 credit, fees, advertising or cooperative advertising, services,
389 gifts or loans of money or property ~~in this section on credits,~~
390 coupons, and other forms of assistance.

391 (11) A vendor may display in the interior of his or her
392 licensed premises, including the window or windows thereof,
393 neon, electric, or other signs, including window painting and
394 decalcomanias applied to the surface of the interior or exterior
395 of such windows; signs that require a power source;~~7~~ and
396 posters, placards, and other advertising material advertising
397 the brand or brands of alcoholic beverages sold by him or her,
398 whether visible or not from the outside of the licensed
399 premises, but a ~~no~~ vendor may not ~~shall~~ display in the window or
400 windows of his or her licensed premises more than one neon,

401 electric, or similar sign that requires a power source,
402 advertising the product of any one brand of alcoholic beverage
403 ~~manufacturer~~.

404 (12) Any manufacturer, distributor, importer, primary
405 American source of supply, or brand owner or registrant, or any
406 broker, sales agent, or sales person thereof, may give, lend,
407 furnish, or sell to a vendor who sells the products of such
408 manufacturer, distributor, importer, primary American source of
409 supply, or brand owner or registrant any of the following: neon,
410 ~~or~~ electric, or similar signs requiring a power source; signs,
411 window painting and decalcomanias applied to the surface of the
412 interior or exterior of windows; or posters, placards, and
413 other advertising material herein authorized to be used or
414 displayed by the vendor in the interior of his or her licensed
415 premises. As used in subsection (11) and this subsection, the
416 term "decalcomania" means a picture, design, print, engraving,
417 or label made to be transferred onto a glass surface.

418 (13) Any manufacturer, distributor, importer, primary
419 American source of supply, or brand owner or registrant, or any
420 broker, sales agent, or sales person thereof, who regularly
421 sells merchandise to vendors, or any vendor who purchases
422 merchandise from such a manufacturer, distributor, importer,
423 primary American source of supply, or brand owner or registrant,
424 or any broker, sales agent, or sales person thereof, does not
425 violate subsection (1) if:

426 (a) Such sale or purchase is not less than the fair market
 427 value of the merchandise.

428 (b) Such sale or purchase is not combined with any sale or
 429 purchase of alcoholic beverages.

430 (c) Such sale or purchase is separately itemized from the
 431 sale or purchase of alcoholic beverages.

432 (d) Both the seller and purchaser maintain records of any
 433 such sale or purchase, including the price and any conditions
 434 associated with such sale or purchase of the merchandise.

435
 436 For purposes of this subsection, the term "merchandise" means
 437 commodities, supplies, fixtures, furniture, or equipment. The
 438 term does not include alcoholic beverages or a motor vehicle or
 439 trailer requiring registration under chapter 320.

440 (15)-(14) The division shall adopt reasonable rules
 441 governing promotional displays and advertising. Such rules may
 442 not conflict with or be more stringent than the federal
 443 regulations pertaining to such promotional displays and
 444 advertising furnished to vendors by distributors, manufacturers,
 445 importers, primary American sources of supply, or brand owners
 446 or registrants, or any sales agent or sales person thereof;
 447 however:

448 (b) Without limitation in total dollar value of such items
 449 provided to a vendor, a manufacturer, distributor, importer,
 450 brand owner, or brand registrant of malt beverage, or any sales

451 agent or sales person thereof, may rent, loan without charge for
452 an indefinite duration, or sell durable retailer advertising
453 specialties such as clocks, pool table lights, and the like,
454 which bear advertising matter. If sold, such items may not be
455 sold at a price less than the actual cost to the industry member
456 who initially purchased the items.

457 (16) (a) Notwithstanding any other provision of this
458 section, a manufacturer or importer of malt beverages and a
459 vendor may enter into a written agreement for brand-naming
460 rights and associated cooperative advertising, negotiated at
461 arm's length for no more than fair market value if:

462 1. The vendor operates places of business where
463 consumption on the premises is permitted, the premises are
464 located within a theme park complex consisting of at least 25
465 contiguous acres owned and controlled by the same business
466 entity, and the complex contains permanent exhibitions and a
467 variety of recreational activities and has a minimum of 1
468 million visitors annually through a controlled entrance to and
469 exit from the theme park complex.

470 2. Such agreement does not involve, either in whole or in
471 part, the sale or distribution of malt beverages between the
472 manufacturer or importer, or the manufacturer's or importer's
473 distributor, and a vendor.

474 3. The vendor, as a result of such agreement, does not
475 give preferential treatment to the alcoholic beverage brand or

476 brands of the manufacturer or importer with whom the vendor has
477 entered into such agreement.

478 4. Such agreement does not limit, either directly or
479 indirectly, the sale of alcoholic beverages of another
480 manufacturer or importer, or distributor.

481 5. Within 10 days after execution of such agreement, the
482 vendor files with the division a description of the agreement
483 which includes the location, dates, and the name of the
484 manufacturer or importer that entered into the agreement.

485
486 As used in this paragraph, the term "negotiated at arm's length"
487 means the negotiation of a business transaction by independent
488 parties acting in each party's own individual self-interest and
489 conducted as if the parties were strangers, so that no conflict
490 of interest may arise.

491 (b) A manufacturer or importer of malt beverages which is
492 a party to a brand-naming rights agreement may not, either
493 directly or indirectly, solicit or receive from any of its
494 distributors any portion of the payment due from the
495 manufacturer or importer of malt beverages to the vendor
496 pursuant to such agreement. Such agreement exists solely between
497 the manufacturer and the vendor and does not, directly or
498 indirectly, in any way obligate or place responsibility,
499 financial or otherwise, upon a distributor.

500 (c) Notwithstanding s. 561.29(3) and (4), a manufacturer

501 of malt beverages, an importer of malt beverages, or a vendor
 502 who violates this subsection is subject to:

503 1. A civil penalty of not more than \$25,000, for a first
 504 violation.

505 2. A civil penalty of not more than \$100,000 for a second
 506 violation occurring within 36 months after the date of the first
 507 violation.

508 3. At the discretion of the division, in lieu of or in
 509 addition to a civil penalty imposed under subparagraph 2.,
 510 suspension or revocation of the alcoholic beverage license for a
 511 third or subsequent violation occurring within 36 months after
 512 the date of the first violation.

513
 514 A violation occurring more than 36 months after a first
 515 violation is deemed a first violation under this paragraph. When
 516 imposing a civil penalty within the ranges provided in
 517 subparagraphs 1. and 2., the division may not impose a civil
 518 penalty in an amount greater than the financial value of the
 519 brand-naming rights agreement.

520 Section 5. Subsection (6) of section 562.34, Florida
 521 Statutes, is amended to read:

522 562.34 Containers; seizure and forfeiture.—

523 (6) Notwithstanding the provisions of this section, it
 524 shall not be unlawful for any person to have in her or his
 525 possession, custody, or control a growler as described in s.

526 | 563.06(7) or s. 564.055(1)(b), either full or empty, or to
527 | transport such growler.

528 | Section 6. Section 562.65, Florida Statutes, is created to
529 | read:

530 | 562.65 Licensed premises of vendors; dogs and cats allowed
531 | in designated areas.—

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

533 | (a) "Division" means the Division of Alcoholic Beverages
534 | and Tobacco of the Department of Business and Professional
535 | Regulation.

536 | (b) "Dog" means a dog that is domesticated and kept as a
537 | household pet.

538 | (c) "Cat" means a cat that is domesticated and kept as a
539 | household pet.

540 | (d) "Licensed premises" has the same meaning as provided
541 | in s. 561.01(11).

542 | (e) "Vendor" means a person who is licensed under the
543 | Beverage Law to sell or serve alcoholic beverages for
544 | consumption on the premises. The term includes a winery
545 | qualifying as a certified Florida Farm Winery under s. 599.004.

546 | (2) A vendor may allow dogs or cats in designated areas,
547 | including certain indoor areas, of the licensed premises under
548 | the following conditions:

549 | (a) No more than 10 percent of the gross revenue of the
550 | vendor's business may be from the sale of food consumed on the

551 licensed premises. Ice may not be considered food.

552 (b) Dogs must be kept on a leash at all times.

553 (c) Dogs or cats must be under reasonable control at all
554 times.

555 (d) Dogs or cats may not be on tables, bar tops, or other
556 furnishings.

557 (e) Dogs or cats may not be in any area of the licensed
558 premises where food is stored or prepared.

559 (f) Dog or cat waste must be removed immediately and the
560 area sanitized.

561 (g) Individuals may be held liable if they fail to follow
562 paragraphs (b)-(f) when that failure causes injury to another.

563 (3) The division may adopt reasonable rules to administer
564 this section.

565 Section 7. Subsection (6) of section 563.06, Florida
566 Statutes, is amended to read:

567 563.06 Malt beverages; imprint on individual container;
568 size of containers; exemptions.-

569 (6) With the exception of growlers as described in
570 subsection (7), all malt beverages packaged in individual
571 containers sold or offered for sale by vendors at retail in this
572 state shall be in individual containers containing no more than
573 32 ounces of such malt beverages; however, nothing contained in
574 this section shall affect malt beverages packaged in bulk, in
575 kegs, or in barrels or in any individual container containing

576 either 2 liters or 1 gallon or more of such malt beverage
577 regardless of individual container type.

578 Section 8. Section 564.05, Florida Statutes, is repealed.

579 Section 9. Section 564.055, Florida Statutes, is amended
580 to read:

581 564.055 Cider containers and growlers.—

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

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

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

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

593 2. The growler must include an imprint or label that
594 provides information specifying the name of the manufacturer,
595 the brand, and the anticipated percent of alcohol by volume of
596 the cider. The package must have an unbroken seal or be
597 incapable of being immediately consumed.

598 3. A licensee authorized to fill or refill growlers may
599 not use growlers for the purpose of distribution or sale outside
600 of the licensed manufacturing premises or licensed vendor

601 premises.

602 4. A person, firm, or corporation, including its agents,
 603 officers, or employees, that violates this subsection commits a
 604 misdemeanor of the first degree, punishable as provided in s.
 605 775.082 or s. 775.083, and the license held by the person, firm,
 606 or corporation, if any, is subject to revocation or suspension
 607 by the division. A person, firm, or corporation, including its
 608 agents, officers, or employees, that violates subparagraph 2. is
 609 subject to a fine by the division of up to \$250.

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

614 Section 10. Section 564.09, Florida Statutes, is amended
 615 to read:

616 564.09 Restaurants; off-premises consumption of wine.—
 617 Notwithstanding any other provision of law, a restaurant
 618 licensed to sell wine on the premises may permit a patron to
 619 remove one unsealed bottle of wine for consumption off the
 620 premises if the patron has purchased a ~~full-course~~ meal
 621 ~~consisting of a salad or vegetable, entree, a beverage, and~~
 622 ~~bread~~ and consumed a portion of the bottle of wine with such
 623 meal on the restaurant premises. A partially consumed bottle of
 624 wine that is to be removed from the premises must be securely
 625 resealed by the licensee or its employees before removal from

626 the premises. The partially consumed bottle of wine shall be
 627 placed in a bag or other container that is secured in such a
 628 manner that it is visibly apparent if the container has been
 629 subsequently opened or tampered with, and a dated receipt for
 630 the bottle of wine and ~~full-course~~ meal shall be provided by the
 631 licensee and attached to the container. If transported in a
 632 motor vehicle, the container with the resealed bottle of wine
 633 must be placed in a locked glove compartment, a locked trunk, or
 634 the area behind the last upright seat of a motor vehicle that is
 635 not equipped with a trunk.

636 Section 11. Paragraphs (a) and (b) of subsection (1) and
 637 subsections (2) and (5) of section 565.03, Florida Statutes, are
 638 amended to read:

639 565.03 License fees; manufacturers, distributors, brokers,
 640 sales agents, and importers of alcoholic beverages; vendor
 641 licenses and fees; distilleries and craft distilleries.—

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

643 (a) "Branded product" means any distilled spirits product
 644 manufactured on site, or manufactured on site and blended on
 645 site with other distilled spirits, which requires a federal
 646 certificate and label approval by the Federal Alcohol
 647 Administration Act or federal regulations.

648 (b) "Craft distillery" means a licensed distillery that
 649 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
 650 distilled spirits on its premises, of which 60 percent of the

651 distillery's blended spirits produced shall be made from state
652 agricultural products, and is designated as a craft distiller by
653 ~~has notified~~ the division upon notification in writing of its
654 decision to qualify as a craft distillery.

655 (2) (a) A distillery or a craft distillery authorized to do
656 business under the Beverage Law shall pay an annual state
657 license tax for each plant or branch operating in the state, as
658 follows:

659 1. A distillery engaged in the business of manufacturing
660 distilled spirits: \$4,000.

661 2. A craft distillery engaged in the business of
662 manufacturing distilled spirits: \$1,000.

663 3. A person engaged in the business of rectifying and
664 blending spirituous liquors and nothing else: \$4,000.

665 (b) A licensed distillery or craft distillery may ~~Persons~~
666 ~~licensed under this section who are in the business of~~
667 ~~distilling spirituous liquors may also~~ engage in the business of
668 rectifying and blending spirituous liquors without the payment
669 of an additional license tax.

670 (c) A craft distillery licensed under this section that is
671 not licensed as a vendor under s. 561.221 may sell to consumers
672 under its craft distillery license, at its souvenir gift shop,
673 up to 75,000 gallons per calendar year of branded products
674 distilled on its premises in this state in factory-sealed
675 containers that are filled at the distillery for off-premises

676 consumption by consumers. Such sales are authorized only on
677 ~~private~~ property owned or leased by the craft distillery that is
678 contiguous to the craft distillery's licensed ~~distillery~~
679 premises approved by the division in this state and included on
680 the sketch or diagram defining the licensed premises submitted
681 with the distillery's license application. All sketch or diagram
682 revisions by the distillery shall require the division's
683 approval verifying that the souvenir gift shop location operated
684 by the licensed distillery is owned or leased by the distillery
685 and on property contiguous to the distillery's production
686 building in this state.

687 1. A craft distillery may not sell under its craft
688 distillery license, other than under permits issued to the craft
689 distillery for fairs, trade shows, expositions, and festivals
690 pursuant to s. 561.221, any factory-sealed individual containers
691 of spirits to consumers in this state except in face-to-face
692 sales transactions with such consumers at the craft distillery's
693 licensed premises. Such containers must be in compliance with
694 the container limits in s. 565.10 ~~who are making a purchase of~~
695 ~~no more than six individual containers of each branded product.~~

696 ~~2. Each container sold in face-to-face transactions with~~
697 ~~consumers must comply with the container limits in s. 565.10,~~
698 ~~per calendar year for the consumer's personal use and not for~~
699 ~~resale and who are present at the distillery's licensed premises~~
700 ~~in this state.~~

701 ~~2.3.~~ A craft distillery licensed under this section must
702 report to the division within 5 days after it reaches the
703 production limitations provided in paragraph (1)(b). Any retail
704 sales under its craft distillery license to consumers ~~at the~~
705 ~~craft distillery's licensed premises~~ are prohibited beginning
706 the day after it reaches the production limitation.

707 ~~3.4.~~ A craft distillery that has not been issued a
708 vendor's license under s. 561.221 may not ship or arrange to
709 ship any of its distilled spirits to consumers in this state and
710 may sell and deliver only to consumers within the state in a
711 face-to-face transaction at the distillery property. However, a
712 craft distillery ~~distiller~~ licensed under this section may ship,
713 arrange to ship, or deliver such spirits to manufacturers of
714 distilled spirits, wholesale distributors of distilled spirits,
715 state or federal bonded warehouses, and exporters, or consumers
716 located outside of the state; however, all such shipments must
717 comply with the laws where such products are scheduled to be
718 delivered for personal or commercial use.

719 ~~4.5.~~ Except as provided in subparagraph ~~5. 6.~~, it is
720 unlawful to transfer a distillery license for a distillery that
721 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
722 distilled spirits on its premises or any ownership interest in
723 such license to an individual or entity that has a direct or
724 indirect ownership interest in any distillery licensed in this
725 state; another state, territory, or country; or by the United

726 States government to manufacture, blend, or rectify distilled
 727 spirits for beverage purposes.

728 ~~5.6.~~ A craft distillery shall not have its ownership
 729 affiliated with another distillery, unless such distillery
 730 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
 731 distilled spirits on each of its premises in this state or in
 732 another state, territory, or country.

733 6. A craft distillery may transfer up to 75,000 gallons
 734 per calendar year of distilled spirits that it manufactures from
 735 its federal bonded space, nonbonded space at its licensed
 736 premises, or storage areas to its souvenir gift shop.

737 (5) A craft distillery transferring distilled spirits to
 738 its retail areas pursuant to s. 561.221(1)(a) ~~making sales under~~
 739 ~~paragraph (2)(c)~~ is responsible for submitting any excise taxes
 740 due to the state on distilled spirits ~~on beverages~~ under the
 741 Beverage Law with ~~in~~ its monthly report to the division ~~with any~~
 742 ~~tax payments due to the state.~~

743 Section 12. Section 565.17, Florida Statutes, is amended
 744 to read:

745 565.17 Beverage tastings by distributors, craft
 746 distilleries, and vendors.—A licensed distributor of spirituous
 747 beverages, a craft distillery, as defined in s. 565.03, or any
 748 vendor, is authorized to conduct spirituous beverage tastings
 749 upon any licensed premises authorized to sell spirituous
 750 beverages by package or for consumption on premises without

751 | being in violation of s. 561.42, provided that the conduct of
752 | the spirituous beverage tasting shall be limited to and directed
753 | toward the general public of the age of legal consumption.
754 | Section 13. This act shall take effect July 1, 2019.