

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 578

INTRODUCER: Commerce and Tourism Committee and Senator Leek

SUBJECT: Wine Containers

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Dike</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 578 allows the sale of wine in any container holding 5.16 gallons. Current law only allows for the sale of wine in reusable containers holding 5.16 gallons. Under current law, wine may also be sold in glass containers holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine.

The bill takes effect July 1, 2025.

II. Present Situation:

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation administers and enforces¹ the Beverage Law,² which regulates the manufacture, distribution, and sale of wine, beer, and liquor.³ The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

¹ Section 561.02, F.S.

² Section 561.01(6), F.S. (provides that the "Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.).

³ See s. 561.14, F.S.

Wine

The term “wine” means:⁴

all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, sake, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine.

“Fortified wine” means all wines containing more than 17.259 percent of alcohol by volume.⁵

Wine Container Size Limits

Section 564.05, F.S., prohibits the sale of wine in an individual container that holds more than one gallon (3.785 liters) of wine unless the wine is sold in a reusable container of 5.16 gallons (19.5 liters) or a glass container holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine.

Qualified distributors and manufacturers may sell wine to other qualified distributors or manufacturers in any size container. Except as provided in s. 564.09, F.S., wine sold or offered for sale by a licensed vendor to be consumed off the premises shall be in the unopened original container.⁶

Any person who violates the prohibition in s. 564.05, F.S., commits a misdemeanor of the second degree.⁷

Federal law specifies fill standards for wine containers.⁸ The wine container must be filled to contain the quantity of wine authorized by the federal fill standards so as not to mislead the consumer.⁹ The authorized standards of fill range from 50 milliliters to three liters. However, if the fill of the wine container is four liters or larger, the container must be labeled in even liters, e.g., four liters, five liters, etc.¹⁰ There are also several exceptions to the standard fill

⁴ Section 564.01(1), F.S.

⁵ Section 564.01(2), F.S.

⁶ Section 564.09, F.S., allows restaurant patrons to leave a restaurant with an unsealed bottle of wine for consumption off the premises if the patron has purchased a meal and consumed a portion of the bottle of wine on the restaurant premises with certain requirements.

⁷ Section 775.082(4), F.S., provides the penalty for a misdemeanor of the second degree is a term of imprisonment not exceeding 60 days. Section 775.083(1)(e), F.S., provides the penalty for a misdemeanor of the second degree is a fine not to exceed \$500.

⁸ 27 C.F.R. s. 4.70 *et seq.*

⁹ 27 C.F.R. s. 4.71.

¹⁰ 27 C.F.R. s. 4.72.

requirements, including exceptions for certain imported wines in original containers, wines bottled before specified dates, and wine packed in containers of 18 liters or more.¹¹

III. Effect of Proposed Changes:

The bill revises s. 564.05, F.S., to allow the sale of wine in any container holding 5.16 gallons. Current law only allows for the sale of wine in reusable containers holding 5.16 gallons.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

¹¹ 27 C.F.R. s. 4.70. The standard wine barrel is 225 liters or 59 gallons. See Wine Industry Advisor, *Living Large: Supersizing Barrels for a Subtler Impact*, available at <https://wineindustryadvisor.com/2020/08/11/living-large-supersizing-barrels-for-a-subtler-impact> (last visited Mar. 25, 2025).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 564.05 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism Committee on March 25, 2025:

The amendment removes the words “recyclable” and “reusable” to allow wine to be stored in any type of container under this section.

- B. **Amendments:**

None.