

By the Committee on Regulated Industries; and Senators Latvala, Gibson, and Clemens

580-01696-15

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1 A bill to be entitled
2 An act relating to malt beverages; amending s.
3 561.221, F.S.; revising the exception for the
4 licensing of malt beverage manufacturers as vendors;
5 providing restrictions on the sale of malt beverages;
6 prohibiting the delivery of certain malt beverages;
7 amending s. 561.42, F.S.; authorizing malt beverage
8 tastings upon certain licensed premises; creating s.
9 563.0614, F.S.; authorizing the sale of malt beverages
10 packaged in individual containers of certain sizes if
11 they are filled at the point of sale by certain
12 licenseholders; requiring each container to be
13 imprinted or labeled with certain information and have
14 an unbroken seal or be incapable of being immediately
15 consumed; providing penalties; providing an effective
16 date.

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

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

23 561.221 Licensing of manufacturers and distributors as
24 vendors and of vendors as manufacturers; conditions and
25 limitations.—

26 (2) (a) Notwithstanding s. 561.22, s. 561.42, or any other
27 provision of the Beverage Law, the division is authorized to
28 issue vendor's licenses to a manufacturer of malt beverages,
29 even if such manufacturer is also licensed as a distributor, for

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30 the sale of alcoholic beverages on property consisting of a
31 single complex, which property shall include a brewery ~~and such~~
32 ~~other structures which promote the brewery and the tourist~~
33 ~~industry of the state. However, such property may be divided by~~
34 ~~no more than one public street or highway. Notwithstanding any~~
35 other provision of the Beverage Law, a manufacturer holding
36 multiple manufacturing licenses may transfer malt beverages to a
37 licensed facility, as provided in s. 563.022(14)(d), in an
38 amount up to the yearly production amount at the receiving
39 facility. Malt beverages and other alcoholic beverages
40 manufactured by another licensed manufacturer, including any
41 malt beverages that are owned in whole or in part by the
42 manufacturer but are brewed by another manufacturer, must be
43 obtained through a licensed distributor that is not also a
44 licensed manufacturer, a licensed broker or sales agent, or a
45 licensed importer. A manufacturer possessing a vendor's license
46 under this subsection is not permitted to make deliveries under
47 s. 561.57(1).

48 Section 2. Paragraph (e) of subsection (14) of section
49 561.42, Florida Statutes, is amended to read:

50 561.42 Tied house evil; financial aid and assistance to
51 vendor by manufacturer, distributor, importer, primary American
52 source of supply, brand owner or registrant, or any broker,
53 sales agent, or sales person thereof, prohibited; procedure for
54 enforcement; exception.—

55 (14) The division shall adopt reasonable rules governing
56 promotional displays and advertising, which rules shall not
57 conflict with or be more stringent than the federal regulations
58 pertaining to such promotional displays and advertising

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59 furnished to vendors by distributors, manufacturers, importers,
60 primary American sources of supply, or brand owners or
61 registrants, or any broker, sales agent, or sales person
62 thereof; however:

63 (e) A manufacturer, distributor, or importer of malt
64 beverages, or any contracted third-party agent thereof, may
65 ~~Manufacturers, distributors, importers, brand owners, or brand~~
66 ~~registrants of beer, and any broker, sales agent, or sales~~
67 ~~person thereof, shall not~~ conduct any sampling activities that
68 include the tasting of malt beverage products on: their product
69 ~~at a vendor's premises licensed for off-premises sales only.~~

70 1. The licensed premises of any vendor authorized to sell
71 alcoholic beverages by the drink for consumption on premises; or

72 2. The licensed premises of any vendor authorized to sell
73 alcoholic beverages only in sealed containers for consumption
74 off premises if:

75 a. The licensed premises is at an establishment having at
76 least 10,000 square feet of interior floor space exclusive of
77 storage space not open to the general public; or

78 b. The licensed premises is a package store licensed under
79 s. 565.02(1)(a) selling their product at a vendor's premises
80 licensed for off-premises sales only.

81
82 A malt beverage tasting conducted under this paragraph must be
83 limited to and directed toward the general public of the age of
84 legal consumption. This paragraph does not preclude a vendor,
85 including a vendor or manufacturer licensed pursuant to s.
86 561.221(2) or (3), from conducting a malt beverage tasting on
87 its licensed premises using malt beverages from its own

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88 inventory.

89 Section 3. Section 563.0614, Florida Statutes, is created
90 to read:

91 563.0614 Malt beverage container sizes.—

92 (1) Notwithstanding any other provision of the Beverage
93 Law, a malt beverage may be packaged in an individual container
94 of 32, 64, or 128 ounces if it is filled at the point of sale by
95 any of the following:

96 (a) A licensed manufacturer of malt beverages which holds a
97 vendor's license under s. 561.221(2).

98 (b) A vendor holding a quota license that authorizes the
99 sale of malt beverages under ss. 561.20(1) and 565.02(1)(a).

100 (c) A vendor holding a license under s. 563.02(1)(b)-(f),
101 s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
102 restricts the sale of malt beverages to consumption on the
103 premises only.

104 (2) The container must identify or be imprinted or labeled
105 with information specifying the manufacturer, the brand of the
106 malt beverage, the anticipated percentage of alcohol by volume,
107 and must have an unbroken seal or be incapable of being
108 immediately consumed.

109 (3) A person, firm, or corporation, including its agents,
110 officers, or employees, which violates subsection (1) commits a
111 misdemeanor of the first degree, punishable as provided in s.
112 775.082 or s. 775.083, and the license held by the person, firm,
113 or corporation, if any, is subject to revocation or suspension
114 by the division. A person, firm, or corporation, including its
115 agents, officers, or employees, which violates subsection (2)
116 may be subject to a fine by the division of up to \$250.

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Section 4. This act shall take effect July 1, 2015.