

THE FLORIDA SENATE
2015 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 186 — Alcoholic Beverages

by Fiscal Policy Committee; Regulated Industries Committee; and Senators Latvala, Gibson; and Clemens

The bill revises the Beverage Laws related to alcoholic beverages. The bill prohibits the use of Electronic Benefits (EBT) cards to purchase alcoholic beverages. Related to vendor-licensed brewers, the bill:

- Authorizes the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to issue a vendor's license to a manufacturer of malt beverages for the sale of alcoholic beverages on property consisting of a single complex that includes a brewery (vendor-licensed brewer);
- Repeals the requirement that the licensed property include "other structures which promote the brewery and tourism industry of the state" in order to be eligible as a vendor licensed brewer;
- Limits the amount of malt beverages that can be transferred between breweries owned by the same brewer to the yearly production of the receiving brewery;
- Limits a malt beverage manufacturer to holding no more than eight vendor licenses;
- Requires that all alcoholic beverages that are not manufactured at a brewery owned by the brewer must be obtained through a distributor, an importer, a sales agent, or a broker; and
- Prohibits vendor-licensed brewers from making deliveries.

Related to malt beverage tastings, the bill:

- Permits malt beverage tastings on certain premises;
- Requires malt beverage tastings to be limited to and directed to members of the general public of the age of legal consumption;
- Clarifies that vendors may conduct malt beverage tastings on their licensed premises with beverages from their own inventory;
- Requires that the beer must be served in a cup having a capacity of 3.5 ounces or less and must be inside the building;
- Requires that unconsumed beverages must be removed from the premises and properly disposed of;
- Provides that the party conducting the tasting is responsible for any violations;
- Clarifies who is responsible for paying the excise taxes;
- Prohibits the payment of fees or compensation of any kind in return for the vendor's authorization of the tasting at his premises; and
- Prohibits cooperative advertising and identification of the vendor in advertising.

Related to malt beverage containers, the bill:

- Permits the filling and refilling of 32, 64, and 128 ounce malt beverage containers (known as "growlers") at the point of sale;

- Provides that growlers may be filled and refilled by a vendor-licensed brewer, a package store licensed to sell beer, wine, and distilled spirits only in sealed containers for off-premises consumption, and vendors authorized to sell malt beverages for consumption on the premises and whose license does not restrict the consumption of malt beverages to on the premises only;
- Requires growlers to be identified or be imprinted or labeled with certain information, including the anticipated percentage of alcohol by volume, and that the growlers have an unbroken seal or be incapable of being immediately consumed;
- Provides that a violation of the growler requirements is a misdemeanor of the first degree, which is punishable by a term of imprisonment not to exceed one year or a fine not to exceed \$1,000;
- Clarifies that it is not unlawful for a person to possess or transfer full or empty growlers; and
- Prohibits the use of growlers for the purpose of distribution or sale outside of the licensed manufacturing premises or licensed vendor premises.

The bill deletes the vehicle permit requirement for licensed vendors to transport alcoholic beverages. It deletes the requirement that vendor-owned vehicles must have the invoices or sales tickets when transporting alcoholic beverages. It provides that common carriers may transport alcoholic beverages.

The bill revises the limitation on the number of containers of distilled spirits that distilleries may sell to consumers. Current law permits distilleries to sell two or fewer containers per calendar year. The bill increases the limitation to permit consumers to purchase from a distillery in a face-to-face transaction, per calendar year:

- Two containers of each brand of distilled spirits;
- Three containers of one brand and one container of a second brand; or
- Four containers of a single brand.

The bill permits the Florida Department of Transportation to install a directional sign to a brewery at the request and expense of the distillery.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 38-0; House 117-0