

1 A bill to be entitled
2 An act relating to alcoholic beverages; amending s.
3 402.82, F.S.; conforming provisions; prohibiting
4 electronic benefits transfer cards from being used or
5 accepted to purchase an alcoholic beverage; amending
6 s. 561.221, F.S.; providing requirements for a
7 licensed manufacturer of malt beverages to sell such
8 beverages directly to consumers; providing operation
9 requirements for a taproom; prohibiting a manufacturer
10 from holding a vendor's license at specified premises;
11 providing requirements for a licensed manufacturer to
12 obtain a vendor's license; specifying circumstances
13 under which a manufacturer may sell alcoholic
14 beverages under its vendor's license; requiring a
15 manufacturer to complete certain reports; providing
16 applicability; providing requirements for a brewpub to
17 be licensed as a manufacturer or vendor; providing
18 requirements for a brewpub to sell alcoholic beverages
19 to consumers; amending s. 561.42, F.S.; deleting a
20 prohibition against certain entities conducting
21 tastings; revising requirements for promotional
22 displays and advertising; amending s. 561.5101, F.S.;
23 conforming a cross-reference; amending s. 561.57,
24 F.S.; revising restrictions on the vehicle required
25 for use by a vendor who transports alcoholic
26 beverages; modifying provisions related to vehicle

27 | permits for vendors; requiring a vendor or authorized
28 | person who transports alcoholic beverages to possess a
29 | specified invoice or sales ticket; amending s. 562.07,
30 | F.S.; conforming provisions; amending s. 562.13, F.S.;
31 | providing exceptions and requirements for a minor
32 | employed by a specified vendor to sell alcoholic
33 | beverages; amending s. 562.34, F.S.; providing that
34 | possessing and transporting a growler is lawful;
35 | amending s. 563.022, F.S.; providing for limited self-
36 | distribution for manufacturers of malt beverages;
37 | amending s. 563.06, F.S.; defining the term "growler";
38 | providing requirements for growlers; creating s.
39 | 563.09, F.S.; authorizing a licensed manufacturer,
40 | distributor, or importer of malt beverages to conduct
41 | a malt beverage tasting; providing requirements and
42 | limitations; amending s. 565.03, F.S.; revising the
43 | definition of the term "distillery"; deleting
44 | restrictions on the sale of individual containers to
45 | consumers in a face-to-face transaction; amending s.
46 | 565.04, F.S.; requiring package stores to have no more
47 | than one direct access to another building licensed
48 | under the Beverage Law to the same licensee; providing
49 | for the delivery of distilled spirits to a licensed
50 | premises that has an inside entrance to a package
51 | store; authorizing the sale of items obtained in the
52 | connected separately licensed premises; providing

53 construction and severability; providing an effective
 54 date.

55

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

57

58 Section 1. Paragraph (a) of subsection (4) of section
 59 402.82, Florida Statutes, is amended to read:

60 402.82 Electronic benefits transfer program.—

61 (4) Use or acceptance of an electronic benefits transfer
 62 card is prohibited at the following locations or for the
 63 following activities:

64 (a) The purchase of an alcoholic beverage as defined in s.
 65 561.01 and sold pursuant to the Beverage Law ~~An establishment~~
 66 ~~licensed under the Beverage Law to sell distilled spirits as a~~
 67 ~~vendor and restricted as to the types of products that can be~~
 68 ~~sold under ss. 565.04 and 565.045 or a bottle club as defined in~~
 69 ~~s. 561.01.~~

70 Section 2. Subsections (2) and (3) of section 561.221,
 71 Florida Statutes, are amended to read:

72 561.221 Retail exceptions to manufacturing licenses;
 73 brewing exceptions to vendor licenses ~~Licensing of manufacturers~~
 74 ~~and distributors as vendors and of vendors as manufacturers;~~
 75 conditions and limitations.—

76 (2) A manufacturer of malt beverages that is licensed and
 77 engaged in the manufacture of malt beverages in this state may
 78 sell directly to consumers in face-to-face transactions, which,

79 notwithstanding s. 561.57(1), requires the physical presence of
80 the consumer to make payment for and take receipt of the
81 beverages on the licensed manufacturing premises, as follows:

82 (a) At a taproom, a manufacturer may sell malt beverages
83 brewed by the manufacturer to consumers for on-premises or off-
84 premises consumption without obtaining a vendor's license. A
85 manufacturer of malt beverages shall comply with the following
86 requirements related to a taproom:

87 1. The taproom must be a room or rooms located on the
88 licensed manufacturing premises consisting of a single complex
89 that includes a brewery. Such premises may be divided by no more
90 than one public street or highway. The taproom shall be included
91 on the sketch or diagram defining the licensed premises
92 submitted with the manufacturer's license application pursuant
93 to s. 561.01(11). All sketch or diagram revisions by the
94 manufacturer must be approved by the division, verifying that
95 the taproom operated by the licensed manufacturer is owned or
96 leased by the manufacturer and is located on the licensed
97 manufacturing premises.

98 2. At least 70 percent by volume of the malt beverages
99 sold or given to consumers per calendar year in the taproom must
100 be brewed on the licensed manufacturing premises. No more than
101 30 percent by volume of the malt beverages sold or given per
102 calendar year to consumers in the taproom may be brewed by the
103 manufacturer at other manufacturing premises and shipped to the
104 licensed manufacturing premises pursuant to s. 563.022(14) (d).

105 3. Malt beverages may be sold to consumers in the taproom
106 for off-premises consumption in authorized containers pursuant
107 to s. 563.06(7).

108 4. A manufacturer of malt beverages is responsible for
109 paying applicable excise taxes to the division and submitting
110 applicable reports pursuant to ss. 561.50 and 561.55 with
111 respect to the amount of malt beverages sold or given to
112 consumers in the taproom each month.

113 5. This paragraph does not preclude a licensed
114 manufacturer of malt beverages that operates a taproom from
115 holding a permanent public food service establishment license
116 under chapter 509 at the taproom.

117 6. A manufacturer may not hold a vendor's license at a
118 licensed manufacturing premises that operates a taproom pursuant
119 to this paragraph.

120 (b) In lieu of a taproom, on or after July 1, 2015, the
121 division ~~may is authorized to~~ issue vendor's licenses to a
122 manufacturer of malt beverages at no more than two licensed
123 manufacturing premises for which the manufacturer has an
124 interest, directly or indirectly, in the license if the
125 manufacturer meets the following requirements:

126 1. A licensed manufacturer may obtain one vendor's license
127 at no more than two of the licensed manufacturing premises for
128 which the manufacturer has an interest, directly or indirectly,
129 in the license. Any additional licensed manufacturing premises,
130 for which the manufacturer has an interest, directly or

131 indirectly, in the license, may operate a taproom without a
132 vendor's license pursuant to paragraph (a).

133 2. The vendor's license must be located on the licensed
134 manufacturing premises consisting of a single complex that
135 includes a brewery. Such premises may be divided by no more than
136 one public street or highway. The licensed vendor premises shall
137 be included on the sketch or diagram defining the licensed
138 premises submitted with the manufacturer's license application
139 pursuant to s. 561.01(11). All sketch or diagram revisions by
140 the manufacturer must be approved by the division, verifying
141 that the vendor premises operated by the licensed manufacturer
142 is owned or leased by the manufacturer and is located on the
143 licensed manufacturing premises.

144 3. The manufacturer may sell alcoholic beverages under its
145 vendor's license as follows:

146 a. Malt beverages manufactured on the licensed
147 manufacturing premises or at another licensed manufacturing
148 premises for which the manufacturer has an interest, directly or
149 indirectly, in the license for:

150 (I) On-premises consumption.

151 (II) Off-premises consumption in authorized containers
152 pursuant to s. 563.06(6).

153 (III) Off-premises consumption in growlers pursuant to s.
154 563.06(7).

155 b. Malt beverages manufactured exclusively by other
156 manufacturers for:

157 (I) On-premises consumption.

158 (II) Off-premises consumption in authorized containers
159 pursuant to s. 563.06(6).

160 (III) Off-premises consumption in growlers pursuant to s.
161 563.06(7).

162 c. Any wine or liquor for on-premises or off-premises
163 consumption as authorized under its vendor's license.

164 4. A manufacturer of malt beverages pursuant to this
165 paragraph is responsible for paying applicable excise taxes to
166 the division and submitting applicable reports pursuant to ss.
167 561.50 and 561.55 with respect to the amount of malt beverages
168 manufactured and sold pursuant to its vendor's license or given
169 to consumers.

170 5. This paragraph does not preclude a licensed
171 manufacturer of malt beverages with a vendor's license from
172 holding a permanent public food service establishment license
173 under chapter 509 on the licensed manufacturing premises.

174 6. An entity that applies for a manufacturer's and
175 vendor's license at more than two licensed manufacturing
176 premises pursuant to this paragraph before March 15, 2015, or
177 that is issued a manufacturer's and vendor's license at more
178 than two licensed manufacturing premises pursuant to this
179 paragraph before July 1, 2015, may maintain the licenses
180 previously obtained or received based on such application, but
181 may not obtain or apply for an additional vendor's license.
182 However, except as to the allowance for manufacturers holding a

183 vendor's license at more than two licensed manufacturing
184 premises before July 1, 2015, a vendor's license held by a
185 manufacturer of malt beverages pursuant to this paragraph,
186 regardless of when first obtained, is subject to subparagraphs
187 1.-5.

188 7. An entity with direct or indirect interests in vendor
189 licenses issued to not more than two licensed manufacturing
190 premises under this paragraph may not be related, directly or
191 indirectly, to any other entity with direct or indirect interest
192 in other vendor licenses issued to other separate manufacturing
193 premises. This subparagraph prohibits the creation of a chain of
194 more than two vendor licensed manufacturing premises under
195 common control of entities with direct or indirect interests in
196 such vendor licensed manufacturing premises. This subparagraph
197 does not prohibit the purchase or ownership of stock in a
198 publicly traded corporation where the licensee does not have and
199 does not obtain a controlling interest in the corporation. An
200 entity lawfully operating more than two licensed manufacturing
201 premises with vendor licenses pursuant to subparagraph 6. may
202 exceed the limit of two licenses with the actual number of
203 manufacturing premises with vendor licenses operated by the
204 entity, even if such manufacturer is also licensed as a
205 distributor, for the sale of alcoholic beverages on property
206 consisting of a single complex, which property shall include a
207 brewery and such other structures which promote the brewery and
208 the tourist industry of the state. However, such property may be

209 ~~divided by no more than one public street or highway.~~

210 (3) The division may issue a manufacturer's license and a
 211 vendor's license to a brewpub. To operate as a brewpub, the
 212 following requirements must be met:

213 ~~(a) Notwithstanding other provisions of the Beverage Law,~~
 214 ~~any vendor licensed in this state may be licensed as a~~
 215 ~~manufacturer of malt beverages upon a finding by the division~~
 216 ~~that:~~

217 ~~1. The brewpub must vendor will be engaged in brewing malt~~
 218 ~~beverages at the licensed brewpub premises a single location and~~
 219 ~~in an amount that does which will not exceed 10,000 kegs per~~
 220 ~~calendar year. For purposes of this paragraph subsection, the~~
 221 ~~term "keg" means 15.5 gallons.~~

222 (b) A brewpub may sell the following alcoholic beverages
 223 in a face-to-face transaction with a consumer:

224 1. Malt beverages manufactured on the licensed brewpub
 225 premises for:

226 a. On-premises consumption.

227 b. Off premises consumption in growlers, pursuant to s.
 228 563.06(7).

229 2. Malt beverages manufactured by other manufacturers for:

230 a. On-premises consumption.

231 b. Off premises consumption in growlers if the brewpub
 232 holds a valid quota license pursuant to s. 563.06(7).

233 3. Wine or liquor for on-premises consumption as
 234 authorized under its vendor's license.

235 (c) A brewpub may not ship malt beverages to or between
236 licensed brewpub premises owned by the licensed entity. A
237 brewpub is not a manufacturer for the purposes of s.
238 563.022(14) (d).

239 (d) A brewpub may not distribute malt beverages.

240 (e) A brewpub must hold a permanent public food service
241 establishment license under chapter 509.

242 ~~2. The malt beverages so brewed will be sold to consumers~~
243 ~~for consumption on the vendor's licensed premises or on~~
244 ~~contiguous licensed premises owned by the vendor.~~

245 (f)(b) As a manufacturer, a brewpub is ~~Any vendor which is~~
246 ~~also licensed as a manufacturer of malt beverages pursuant to~~
247 ~~this subsection shall be~~ responsible for payment of applicable
248 excise taxes to the division and ~~applicable reports pursuant to~~
249 ~~ss. 561.50 and 561.55 with respect to the amount of~~ malt
250 beverages ~~beverage~~ ~~manufactured each month and shall pay~~
251 ~~applicable excise taxes thereon to the division by the 10th day~~
252 ~~of each month for the previous month.~~

253 (g)(e) A ~~It shall be unlawful for any licensed distributor~~
254 ~~of malt beverages or any officer, agent, or other representative~~
255 ~~thereof~~ may not ~~to~~ discourage or prohibit a brewpub ~~any vendor~~
256 ~~licensed as a manufacturer~~ ~~under this subsection from offering~~
257 ~~malt beverages brewed for consumption on the licensed premises~~
258 ~~of the~~ brewpub ~~vendor.~~

259 (h)(d) A ~~It shall be unlawful for any manufacturer of malt~~
260 ~~beverages or any officer, agent, or other representative thereof~~

261 may not ~~to~~ take any action to discourage or prohibit a any
 262 distributor of the manufacturer's product from distributing such
 263 product to a brewpub licensed vendor ~~which is also licensed as a~~
 264 ~~manufacturer of malt beverages~~ pursuant to this subsection.

265 Section 3. Subsection (14) of section 561.42, Florida
 266 Statutes, is amended to read:

267 561.42 Tied house evil; financial aid and assistance to
 268 vendor by manufacturer, distributor, importer, primary American
 269 source of supply, brand owner or registrant, or any broker,
 270 sales agent, or sales person thereof, prohibited; procedure for
 271 enforcement; exception.—

272 (14) The division shall adopt reasonable rules governing
 273 promotional displays and advertising, which rules shall not
 274 conflict with or be more stringent than the federal regulations
 275 pertaining to such promotional displays and advertising
 276 furnished to vendors by distributors, manufacturers, importers,
 277 primary American sources of supply, or brand owners or
 278 registrants, or any ~~broker,~~ sales agent, or sales person
 279 thereof; however:

280 (a) If a manufacturer, distributor, importer, brand owner,
 281 or brand registrant of malt beverage, or any ~~broker,~~ sales
 282 agent, or sales person thereof, provides a vendor with
 283 expendable retailer advertising specialties such as trays,
 284 coasters, mats, menu cards, napkins, cups, glasses,
 285 thermometers, and the like, such items may ~~shall~~ be sold only at
 286 a price not less than the actual cost to the industry member who

287 initially purchased them, without limitation in total dollar
288 value of such items sold to a vendor.

289 (b) Without limitation in total dollar value of such items
290 provided to a vendor, a manufacturer, distributor, importer,
291 brand owner, or brand registrant of malt beverage, or any
292 ~~broker,~~ sales agent, or sales person thereof, may rent, loan
293 without charge for an indefinite duration, or sell durable
294 retailer advertising specialties such as clocks, pool table
295 lights, and the like, which bear advertising matter.

296 (c) If a manufacturer, distributor, importer, brand owner,
297 or brand registrant of malt beverage, or any ~~broker,~~ sales
298 agent, or sales person thereof, provides a vendor with consumer
299 advertising specialties such as ashtrays, T-shirts, bottle
300 openers, shopping bags, and the like, such items may ~~shall~~ be
301 sold only at a price not less than the actual cost to the
302 industry member who initially purchased them, and ~~but~~ may be
303 sold without limitation in total value of such items sold to a
304 vendor.

305 (d) A manufacturer, distributor, importer, brand owner, or
306 brand registrant of malt beverage, or any ~~broker,~~ sales agent,
307 or sales person thereof, may provide consumer advertising
308 specialties described in paragraph (c) to consumers on any
309 vendor's licensed premises.

310 ~~(e) Manufacturers, distributors, importers, brand owners,~~
311 ~~or brand registrants of beer, and any broker, sales agent, or~~
312 ~~sales person thereof, shall not conduct any sampling activities~~

313 ~~that include tasting of their product at a vendor's premises~~
 314 ~~licensed for off-premises sales only.~~

315 (e)~~(f)~~ A manufacturer ~~Manufacturers~~, distributor
 316 ~~distributors~~, importer ~~importers~~, brand owner ~~owners~~, or brand
 317 registrant ~~registrants~~ of malt beverages ~~beer~~, and any ~~broker~~,
 318 sales agent, or sales person thereof or contracted third-party,
 319 may shall not engage in cooperative advertising with a vendor
 320 and may not name a vendor in any advertising for a malt beverage
 321 tasting authorized under s. 563.09 ~~vendors~~.

322 (f)~~(g)~~ A distributor ~~Distributors~~ of malt beverages ~~beer~~
 323 may sell to a vendor ~~vendors~~ draft equipment and tapping
 324 accessories at a price not less than the cost to the industry
 325 member who initially purchased them, except there is no required
 326 charge, and the ~~a~~ distributor may exchange any parts that ~~which~~
 327 are not compatible with a competitor's system and are necessary
 328 to dispense the distributor's brands. A distributor of malt
 329 beverages ~~beer~~ may furnish to a vendor at no charge replacement
 330 parts of nominal intrinsic value, including, but not limited to,
 331 washers, gaskets, tail pieces, hoses, hose connections, clamps,
 332 plungers, and tap markers.

333 Section 4. Subsection (1) of section 561.5101, Florida
 334 Statutes, is amended to read:

335 561.5101 Come-to-rest requirement; exceptions; penalties.—

336 (1) For purposes of inspection and tax-revenue control,
 337 all malt beverages, except those manufactured and sold by the
 338 same licensee, pursuant to s. 561.221(2) or (3) ~~s. 561.221(3)~~,

339 must come to rest at the licensed premises of an alcoholic
 340 beverage wholesaler in this state before being sold to a vendor
 341 by the wholesaler. The prohibition contained in this subsection
 342 does not apply to the shipment of malt beverages commonly known
 343 as private labels. The prohibition contained in this subsection
 344 shall not prevent a manufacturer from shipping malt beverages
 345 for storage at a bonded warehouse facility, provided that such
 346 malt beverages are distributed as provided in this subsection or
 347 to an out-of-state entity.

348 Section 5. Subsections (3) and (4) of section 561.57,
 349 Florida Statutes, are amended to read:

350 561.57 Deliveries by licensees.—

351 (3) A licensed vendor may transport alcoholic beverage
 352 purchases from a distributor's place of business to the vendor's
 353 licensed premises or off-premises storage. A vendor may
 354 transport alcoholic beverage purchases in a vehicle, ~~if the~~
 355 ~~vehicle used to transport the alcoholic beverages is owned or~~
 356 ~~leased by the vendor or any~~ without a permit. A person who has
 357 been disclosed on a license application filed by the vendor may
 358 use a vehicle not owned or leased by the vendor to transport
 359 alcoholic beverages ~~and approved by the division and if a valid~~
 360 vehicle permit has been issued for such vehicle. A vehicle owned
 361 or leased by a person disclosed on a license application filed
 362 by the vendor and approved by the division under this section
 363 ~~subsection~~ must be operated by such person when transporting
 364 alcoholic beverage purchases from a distributor's place of

365 business to the vendor's licensed premises or off-premises
366 storage.

367 (4) A vehicle permit may be obtained for a vehicle not
368 owned or leased by the vendor by ~~a licensed vendor or~~ any person
369 authorized in subsection (3) upon application and payment of a
370 fee of \$5 per vehicle to the division. The signature of the
371 person authorized in subsection (3) must be included on the
372 vehicle permit application. Such permit remains valid and does
373 not expire unless the vendor or any person authorized in
374 subsection (3) disposes of his or her vehicle, or the vendor's
375 alcoholic beverage license is transferred, canceled, not
376 renewed, or is revoked by the division, whichever occurs first.
377 ~~The division shall cancel a vehicle permit issued to a vendor~~
378 ~~upon request from the vendor.~~ The division shall cancel a
379 vehicle permit issued to any person authorized in subsection (3)
380 upon request from that person or the vendor. By acceptance of a
381 vehicle permit, the ~~vendor or any~~ person authorized in
382 subsection (3), who intends to use a vehicle not owned or leased
383 by the vendor, agrees that such vehicle is always subject to
384 inspection and search without a search warrant, for the purpose
385 of ascertaining that all provisions of the alcoholic beverage
386 laws are complied with, by authorized employees of the division
387 and also by sheriffs, deputy sheriffs, and police officers
388 during business hours or other times that the vehicle is being
389 used to transport ~~or deliver~~ alcoholic beverages. A vehicle
390 permit issued under this subsection ~~and invoices or sales~~

391 ~~tickets for alcoholic beverages purchased and transported~~ must
392 be carried in the vehicle used by the ~~vendor or any person~~
393 authorized in subsection (3) when the vendor's alcoholic
394 beverages are being transported ~~or delivered~~. A vendor or a
395 person who is authorized by a vendor to transport or deliver
396 alcoholic beverages under this section must possess an invoice
397 or sales ticket when possessing such beverages in a vehicle and
398 transporting the alcoholic beverages.

399 Section 6. Section 562.07, Florida Statutes, is amended to
400 read:

401 562.07 Illegal transportation of beverages.—It is unlawful
402 for alcoholic beverages to be transported in quantities of more
403 than 12 bottles except as follows:

404 (1) By common carriers;

405 ~~(2) In the owned or leased vehicles of licensed vendors or~~
406 ~~any persons authorized in s. 561.57(3) transporting alcoholic~~
407 ~~beverage purchases from the distributor's place of business to~~
408 ~~the vendor's licensed place of business or off-premises storage~~
409 ~~and to which said vehicles are carrying a permit and invoices or~~
410 ~~sales tickets for alcoholic beverages purchased and transported~~
411 ~~as provided for in the alcoholic beverage law;~~

412 (2)(3) By individuals who possess such beverages not for
413 resale within the state;

414 (3)(4) By licensed manufacturers, distributors, or vendors
415 transporting ~~delivering~~ alcoholic beverages under s. 561.57 ~~away~~
416 ~~from their place of business in vehicles which are owned or~~

417 ~~leased by such licensees; and~~

418 (4)~~(5)~~ By a vendor, distributor, pool buying agent, or
419 salesperson of wine and spirits as outlined in s. 561.57(5).

420 Section 7. Paragraph (c) of subsection (2) of section
421 562.13, Florida Statutes, is amended to read:

422 562.13 Employment of minors or certain other persons by
423 certain vendors prohibited; exceptions.—

424 (2) This section shall not apply to:

425 (c) Persons under the age of 18 years who are employed in
426 drugstores, grocery stores, department stores, florists,
427 specialty gift shops, or automobile service stations licensed
428 under ss. 563.02(1)(a) and 564.02(1)(a). This exception also
429 includes a vendor licensed under s. 565.02(1)(a) whose gross
430 monthly sales of alcoholic beverages do not exceed 30 percent of
431 its total gross sales of products and services. A person 18
432 years of age or older must personally supervise the sale of a
433 distilled spirits beverage product by verifying the age of the
434 purchaser to be 21 years of age or older and approving the sale
435 ~~which have obtained licenses to sell beer or beer and wine, when~~
436 ~~such sales are made for consumption off the premises.~~

437
438 However, a minor to whom this subsection otherwise applies may
439 not be employed if the employment, whether as a professional
440 entertainer or otherwise, involves nudity, as defined in s.
441 847.001, on the part of the minor and such nudity is intended as
442 a form of adult entertainment.

443 Section 8. Subsections (1) and (3) of section 562.34,
 444 Florida Statutes, are amended to read:

445 562.34 Containers; seizure and forfeiture.—

446 (1) A ~~It shall be unlawful for any person~~ may not ~~to~~ have
 447 in her or his possession, custody, or control any cans, jugs,
 448 jars, bottles, vessels, or any other type of containers which
 449 are being used, are intended to be used, or are known by the
 450 possessor to have been used to bottle or package alcoholic
 451 beverages; however, this subsection does ~~provision shall~~ not
 452 apply to a ~~any~~ person properly licensed to bottle or package
 453 such alcoholic beverages, a ~~or to any~~ person intending to
 454 dispose of such containers to a person, firm, or corporation
 455 properly licensed to bottle or package such alcoholic beverages,
 456 or a person who has in her or his possession, custody, or
 457 control one or more growlers as defined in s. 563.06(7).

458 (3) A ~~It shall be unlawful for any person~~ may not ~~to~~
 459 transport any cans, jugs, jars, bottles, vessels, or any other
 460 type of containers intended to be used to bottle or package
 461 alcoholic beverages; however, this subsection does ~~section shall~~
 462 not apply to a ~~any~~ firm or corporation holding a license to
 463 manufacture or distribute such alcoholic beverages; a ~~and shall~~
 464 ~~not apply to any~~ person transporting such containers to a ~~any~~
 465 person, firm, or corporation holding a license to manufacture or
 466 distribute such alcoholic beverages; or a person transporting
 467 one or more growlers as defined in s. 563.06(7).

468 Section 9. Paragraph (d) of subsection (14) of section

469 563.022, Florida Statutes, is amended to read:

470 563.022 Relations between beer distributors and
471 manufacturers.—

472 (14) MANUFACTURER; PROHIBITED INTERESTS.—

473 (d) Nothing in the Beverage Law shall be construed to
474 prohibit a manufacturer from shipping products to or between the
475 licensed premises of its breweries without a distributor's
476 license. A manufacturer that holds a valid manufacturer's
477 license may deliver, directly to any licensed vendor, up to
478 2,000 total kegs per calendar year of malt beverages
479 manufactured by the manufacturer and to which it owns the brand
480 rights, subject to the following requirements:

481 1. Vehicles used to deliver malt beverages to a licensed
482 vendor must be owned or leased by the manufacturer.

483 2. A manufacturer of malt beverages that is permitted
484 limited self-distribution pursuant to this paragraph is
485 responsible for payment of applicable excise taxes to the
486 division and applicable reports pursuant to ss. 561.50 and
487 561.55 with respect to the amount of malt beverages manufactured
488 and sold to vendors. The reports shall clearly distinguish
489 between malt beverages self-distributed by the manufacturer and
490 malt beverages sold directly to consumers by the manufacturer
491 pursuant to s. 561.221(2).

492 3. A manufacturer of malt beverages that is permitted
493 limited self-distribution pursuant to this paragraph may not
494 provide malt beverages to a vendor that is within the exclusive

495 sales territory of a distributor with whom the manufacturer is
496 under contract.

497 4. A manufacturer of malt beverages that is permitted
498 limited self-distribution pursuant to this paragraph may only
499 distribute malt beverages brewed by the licensed manufacturer
500 which have not been shipped between manufacturing premises owned
501 by the manufacturer packaged in kegs or barrels containing 1
502 gallon or more to be sold or offered for sale by vendors at
503 retail.

504 Section 10. Subsections (1) and (6) of section 563.06,
505 Florida Statutes, are amended, present subsection (7) is
506 renumbered as subsection (8) and amended, and a new subsection
507 (7) is added to that section, to read:

508 563.06 Malt beverages; imprint on individual container;
509 size of containers; growlers; exemptions.-

510 (1) ~~On and after October 1, 1959,~~ All taxable malt
511 beverages packaged in individual containers possessed by any
512 person in the state for the purpose of sale or resale in the
513 state, except operators of railroads, sleeping cars, steamships,
514 buses, and airplanes engaged in interstate commerce and licensed
515 under this section, shall have imprinted thereon in clearly
516 legible fashion by any permanent method the word "Florida" or
517 "FL" and no other state name or abbreviation of any state name
518 in not less than 8-point type. The word "Florida" or "FL" shall
519 appear first or last, if imprinted in conjunction with any
520 manufacturer's code. A facsimile of the imprinting and its

521 location as it will appear on the individual container shall be
522 submitted to the division for approval.

523 (6) With the exception of growlers as defined in
524 subsection (7), all malt beverages packaged in individual
525 containers sold or offered for sale by vendors at retail in this
526 state shall be in individual containers containing no more than
527 32 ounces of such malt beverages; ~~provided, however, that~~
528 nothing contained in this section shall affect malt beverages
529 packaged in bulk, ~~or~~ in kegs, or in barrels or in any individual
530 container containing 1 gallon or more of such malt beverage
531 regardless of individual container type.

532 (7) (a) As used in the Beverage Law, the term "growler"
533 means a container that holds 32, 64, or 128 ounces in volume
534 that was originally manufactured to hold malt beverages.

535 (b) A growler may be filled or refilled with:

536 1. A malt beverage manufactured by a manufacturer that
537 holds a valid manufacturer's license and operates a taproom
538 pursuant to s. 561.221(2)(a), if the manufacturer filling the
539 growler is the same manufacturer that brewed the malt beverage
540 and is filling the growler in the taproom.

541 2. A malt beverage manufactured by a manufacturer that
542 holds a valid manufacturer's license and a valid vendor's
543 license pursuant to s. 561.221(2)(b) or (3), if the manufacturer
544 filling the growler is the same manufacturer that brewed the
545 malt beverage and is filling the growler pursuant to its
546 vendor's license.

547 3. A malt beverage manufactured by a manufacturer, if the
548 manufacturer filling the growler holds a valid manufacturer's
549 license pursuant to s. 561.221(2)(b) or (3) and a valid quota
550 license at that location pursuant to ss. 561.20(1) and
551 565.02(1)(a)-(f).

552 4. A malt beverage manufactured by a manufacturer and sold
553 by a vendor if:

554 a. The vendor filling the growler holds a valid quota
555 license at that location pursuant to ss. 561.20(1) and
556 565.02(1)(a)-(f); or

557 b. The vendor filling the growler holds a vendor license
558 under s. 563.02(1)(a)-(f) or s. 564.02(1)(a)-(f), obtains at
559 least 80 percent of its annual gross revenue from the sale of
560 malt beverages or wine or both, and does not also hold a
561 manufacturer's license. Such a vendor is required to maintain
562 records that demonstrate compliance with this provision for 3
563 calendar years.

564 (c) A growler must have an unbroken seal or be incapable
565 of being immediately consumed.

566 (d) A growler must be clearly labeled as containing an
567 alcoholic beverage and provide the name of the manufacturer, the
568 brand, the volume, the percentage of alcohol by volume, and the
569 required label information for alcoholic beverages under 27
570 C.F.R. s. 16.21. If a growler being refilled has an existing
571 label or other identifying mark from a manufacturer or brand,
572 that label shall be covered sufficiently to indicate the

573 manufacturer and brand of the malt beverage placed in the
574 growler.

575 (e) A growler must be clean before being filled.

576 (f) A licensee authorized to fill growlers may not use
577 growlers for purposes of distribution or sale outside of the
578 licensed manufacturing premises or licensed vendor premises.

579 (8)-(7) A Any person, firm, or corporation or an agent,
580 officer, or employee thereof who violates, its agents, officers
581 or employees, violating any of the provisions of this section
582 commits, shall be guilty of a misdemeanor of the first degree,
583 punishable as provided in s. 775.082 or s. 775.083, and the
584 license, if any, shall be subject to revocation or suspension by
585 the division.

586 Section 11. Section 563.09, Florida Statutes, is created
587 to read:

588 563.09 Malt beverage tastings by distributors and
589 manufacturers.-

590 (1) A manufacturer, distributor, or importer of malt
591 beverages, or any contracted third-party agent thereof, may
592 conduct sampling activities that include the tasting of malt
593 beverage products on:

594 (a) The licensed premises of a vendor authorized to sell
595 alcoholic beverages by the drink for consumption on premises; or

596 (b) The licensed premises of a vendor authorized to sell
597 alcoholic beverages only in sealed containers for consumption
598 off premises if:

- 599 1. The licensed premises is at an establishment with at
600 least 10,000 square feet of interior floor space exclusive of
601 storage space not open to the general public; or
- 602 2. The licensed premises is a package store licensed under
603 s. 565.02(1)(a).
- 604 (2) A malt beverage tasting conducted under this section
605 must be limited to and directed toward the general public of the
606 age of legal consumption.
- 607 (3) For a malt beverage tasting conducted under this
608 section on the licensed premises of a vendor authorized to sell
609 alcoholic beverages for consumption on premises, each serving of
610 a malt beverage to be tasted must be provided to the consumer by
611 the drink in a tasting cup, glass, or other open container and
612 may not be provided by the package in an unopened can or bottle
613 or in any other sealed container.
- 614 (4) For a malt beverage tasting conducted under this
615 section on the licensed premises of a vendor authorized to sell
616 alcoholic beverages only in sealed containers for consumption
617 off premises, the tasting must be conducted in the interior of
618 the building constituting the vendor's licensed premises and
619 each serving of a malt beverage to be tasted must be provided to
620 the consumer in a tasting cup having a capacity of 3.5 ounces or
621 less.
- 622 (5) A manufacturer, distributor, or importer, or any
623 contracted third-party agent thereof, may not pay a vendor, and
624 a vendor may not accept, a fee or compensation of any kind,

625 including the provision of a malt beverage at no cost or at a
626 reduced cost, to authorize the conduct of a malt beverage
627 tasting under this section.

628 (6) (a) A manufacturer, distributor, or importer, or any
629 contracted third-party agent thereof, conducting a malt beverage
630 tasting under this section, must provide all of the beverages to
631 be tasted, the total volume of which per tasting may not exceed
632 576 ounces; must have paid all excise taxes on those beverages
633 which are required of the manufacturer or distributor; and must
634 return to the manufacturer's or distributor's inventory all of
635 the malt beverages provided for the tasting that remain
636 unconsumed after the tasting. More than one tasting may be held
637 on the licensed premises each day, but only one manufacturer,
638 distributor, importer, or contracted third-party agent thereof,
639 may conduct a tasting on the premises at any one time.

640 (b) Any samples of malt beverages provided to a vendor by
641 a manufacturer, distributor, or importer, or any contracted
642 third-party agent thereof, in conjunction with or at the time of
643 a tasting conducted under this section on the licensed premises
644 of such vendor are subject to the volume limit for such premises
645 set forth under paragraph (a).

646 (c) This subsection does not preclude a manufacturer,
647 distributor, or importer, or any contracted third-party agent
648 thereof, from buying the malt beverages that it provides for the
649 tasting from a vendor at no more than the retail price, but all
650 of the malt beverages so purchased and provided for the tasting

651 which remain unconsumed after the tasting must be removed from
652 the premises of the tasting and properly disposed of.

653 (7) A manufacturer, distributor, or importer of malt
654 beverages that contracts with a third-party agent to conduct a
655 malt beverage tasting under this section on its behalf is
656 responsible for any violation of this section by such agent.

657 (8) This section does not preclude a vendor from
658 conducting a malt beverage tasting on its licensed premises
659 using malt beverages from its own inventory.

660 (9) This section is supplemental to and does not supersede
661 any special act or ordinance.

662 (10) The division may, pursuant to ss. 561.08 and 561.11,
663 adopt rules to implement, administer, and enforce this section.

664 Section 12. Subsections (1) and (2) of section 565.03,
665 Florida Statutes, are amended to read:

666 565.03 License fees; manufacturers, distributors, brokers,
667 sales agents, and importers of alcoholic beverages; vendor
668 licenses and fees; craft distilleries.—

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

670 (a) "Craft distillery" means a licensed distillery that
671 produces 75,000 or fewer gallons per calendar year of distilled
672 spirits on its premises and has notified the division in writing
673 of its decision to qualify as a craft distillery.

674 (b) "Distillery" means a manufacturer that distills ethyl
675 alcohol or ethanol to create ~~of~~ distilled spirits.

676 (2) (a) A distillery authorized to do business under the

677 Beverage Law shall pay an annual state license tax for each
678 plant or branch operating in the state, as follows:

679 1. If engaged in the business of manufacturing distilled
680 spirits, a state license tax of \$4,000.

681 2. If engaged in the business of rectifying and blending
682 spirituous liquors and nothing else, a state license tax of
683 \$4,000.

684 (b) Persons licensed under this section who are in the
685 business of distilling spirituous liquors may also engage in the
686 business of rectifying and blending spirituous liquors without
687 the payment of an additional license tax.

688 (c) A craft distillery licensed under this section may
689 sell to consumers, at its souvenir gift shop, spirits distilled
690 on its premises in this state in factory-sealed containers that
691 are filled at the distillery for off-premises consumption. Such
692 sales are authorized only on private property contiguous to the
693 licensed distillery premises in this state and included on the
694 sketch or diagram defining the licensed premises submitted with
695 the distillery's license application. All sketch or diagram
696 revisions by the distillery shall require the division's
697 approval verifying that the souvenir gift shop location operated
698 by the licensed distillery is owned or leased by the distillery
699 and on property contiguous to the distillery's production
700 building in this state. A craft distillery or licensed
701 distillery may not sell any factory-sealed individual containers
702 of spirits except in face-to-face sales transactions with

703 consumers who are making a purchase of ~~two or fewer~~ individual
704 containers, that comply with the container limits in s. 565.10,
705 ~~per calendar year~~ for the consumer's personal use and not for
706 resale and who are present at the distillery's licensed premises
707 in this state.

708 1. A craft distillery must report to the division within 5
709 days after it reaches the production limitations provided in
710 paragraph (1)(a). Any retail sales to consumers at the craft
711 distillery's licensed premises are prohibited beginning the day
712 after it reaches the production limitation.

713 2. A craft distillery may only ship, arrange to ship, or
714 deliver any of its distilled spirits to consumers within the
715 state in a face-to-face transaction at the distillery property.
716 However, a craft distiller licensed under this section may ship,
717 arrange to ship, or deliver such spirits to manufacturers of
718 distilled spirits, wholesale distributors of distilled spirits,
719 state or federal bonded warehouses, and exporters.

720 3. Except as provided in subparagraph 4., it is unlawful
721 to transfer a distillery license for a distillery that produces
722 75,000 or fewer gallons per calendar year of distilled spirits
723 on its premises or any ownership interest in such license to an
724 individual or entity that has a direct or indirect ownership
725 interest in any distillery licensed in this state; another
726 state, territory, or country; or by the United States government
727 to manufacture, blend, or rectify distilled spirits for beverage
728 purposes.

729 4. A craft distillery shall not have its ownership
730 affiliated with another distillery, unless such distillery
731 produces 75,000 or fewer gallons per calendar year of distilled
732 spirits on its premises.

733 Section 13. Section 565.04, Florida Statutes, is amended
734 to read:

735 565.04 Package store restrictions.—

736 (1) Vendors licensed under s. 565.02(1)(a) shall not ~~in~~
737 ~~said place of business~~ sell, offer, or expose for sale any
738 merchandise other than such beverages, in the licensed premises,
739 and the licensed premises ~~such places of business~~ shall be
740 devoted exclusively to such sales; provided, however, that such
741 vendors shall be permitted to sell bitters, grenadine,
742 nonalcoholic mixer-type beverages (not to include fruit juices
743 produced outside this state), fruit juices produced in this
744 state, home bar, and party supplies and equipment (including but
745 not limited to glassware and party-type foods), miniatures of no
746 alcoholic content, and tobacco products. The licensed premises
747 ~~Such places of business~~ shall have no more than one inside
748 entrance openings permitting direct access to any other building
749 or room, that is separately licensed under the Beverage Law to
750 the same licensee, provided that the inside entrance has a door
751 that is opened and closed by patrons and a separate outside
752 entrance is provided. The licensed premises may also have a
753 private office or storage room from which patrons are excluded
754 ~~except to a private office or storage room of the place of~~

755 ~~business from which patrons are excluded.~~

756 (2) Notwithstanding any other provision of law, when
757 distilled spirits are delivered to any area of any licensed
758 vendor's place of business, such distilled spirits may be stored
759 by the vendor and transported by either a distributor or the
760 vendor through any licensed premises that has an inside entrance
761 into a package store licensed to sell distilled spirits.

762 (3) The act of selling items in a package store that are
763 otherwise not permitted for sale pursuant to subsection (1) is
764 not a violation of subsection (1) if the items are obtained at
765 the connected separately licensed premises through the inside
766 entrance and are not displayed in the licensed package store
767 premises as defined on the diagram defining the licensed
768 premises of such package store.

769 Section 14. If any provision of s. 561.221(2), Florida
770 Statutes, as amended by this act, is held invalid, or if the
771 application of that subsection to any person or circumstance is
772 held invalid, the invalidity does not affect other provisions or
773 applications of this act which can be given effect without the
774 invalid provision or application, and to this end s. 561.221(2),
775 Florida Statutes, is severable.

776 Section 15. This act shall take effect July 1, 2015.