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580-01397A-15

Proposed Committee Substitute by the Committee on Regulated
Industries

A bill to be entitled

An act relating to malt beverages; amending s.
561.221, F.S.; revising the exception for the
licensing of malt beverage manufacturers as vendors;
amending s. 561.42, F.S.; authorizing malt beverage
tastings upon certain licensed premises; creating s.
563.0614, F.S.; authorizing the sale of malt beverages
packaged in individual containers of certain sizes if
they are filled at the point of sale by certain
licenseholders; requiring each container to be
imprinted or labeled with certain information and have
an unbroken seal or be incapable of being immediately
consumed; providing penalties; providing an effective
date.

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

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

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

(2) Notwithstanding s. 561.22, s. 561.42, or any other
provision of the Beverage Law, the division may ~~is authorized to~~
issue vendor's licenses to a manufacturer of malt beverages,
even if the ~~such~~ manufacturer is also licensed as a distributor,
for the sale of alcoholic beverages on property that includes a



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28 ~~brewery consisting of a single complex, which property shall~~
29 ~~include a brewery and such other structures which promote the~~
30 ~~brewery and the tourist industry of the state. However, such~~
31 ~~property may be divided by no more than one public street or~~
32 ~~highway.~~

33 Section 2. Paragraph (e) of subsection (14) of section
34 561.42, Florida Statutes, is amended to read:

35 561.42 Tied house evil; financial aid and assistance to
36 vendor by manufacturer, distributor, importer, primary American
37 source of supply, brand owner or registrant, or any broker,
38 sales agent, or sales person thereof, prohibited; procedure for
39 enforcement; exception.—

40 (14) The division shall adopt reasonable rules governing
41 promotional displays and advertising, which rules shall not
42 conflict with or be more stringent than the federal regulations
43 pertaining to such promotional displays and advertising
44 furnished to vendors by distributors, manufacturers, importers,
45 primary American sources of supply, or brand owners or
46 registrants, or any broker, sales agent, or sales person
47 thereof; however:

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

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



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57 2. The licensed premises of any vendor authorized to sell
58 alcoholic beverages only in sealed containers for consumption
59 off premises if:

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

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

66
67 A malt beverage tasting conducted under this paragraph must be
68 limited to and directed toward the general public of the age of
69 legal consumption. This paragraph does not preclude a vendor,
70 including a vendor or manufacturer licensed pursuant to s.
71 561.221(2) or (3), from conducting a malt beverage tasting on
72 its licensed premises using malt beverages from its own
73 inventory.

74 Section 3. Section 563.0614, Florida Statutes, is created
75 to read:

76 563.0614 Malt beverage container sizes.—

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

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

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

85 (c) A vendor holding a license under s. 563.02(1)(b)-(f),



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86 s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
87 restricts the sale of malt beverages to consumption on the
88 premises only.

89 (2) The container must identify or be imprinted or labeled
90 with information specifying the manufacturer, the brand of the
91 malt beverage, the anticipated percentage of alcohol by volume,
92 and must have an unbroken seal or be incapable of being
93 immediately consumed.

94 (3) A person, firm, or corporation, including its agents,
95 officers, or employees, which violates subsection (1) commits a
96 misdemeanor of the first degree, punishable as provided in s.
97 775.082 or s. 775.083, and the license held by the person, firm,
98 or corporation, if any, is subject to revocation or suspension
99 by the division. A person, firm, or corporation, including its
100 agents, officers, or employees, which violates subsection (2)
101 may be subject to a fine by the division of up to \$250.

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