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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/3R

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03/08/2018 02:46 PM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Between lines 56 and 57

insert:

Section 2. Section 564.05, Florida Statutes, is repealed.

Section 3. Section 564.055, Florida Statutes, is amended to read:

564.055 Cider containers and growlers.—Notwithstanding any other law to the contrary:7

(1) Cider, as defined in s. 564.06(4), may be sold by vendors at retail in any size individual container containing no



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12 more than 32 ounces of cider.

13 (2) Cider may also be packaged, filled, refilled, or sold  
14 in a growler that holds 32, 64, or 128 ounces of such cider if  
15 it is filled at the point of sale.

16 (a) Cider packaged in a growler may be filled or refilled  
17 by a licensed manufacturer of wine holding a vendor's license  
18 under s. 561.221(1)(a) or any person authorized to fill or  
19 refill a malt beverage growler pursuant to s. 563.06(7)(a)1.-3.

20 (b) A growler must include an imprint or label that  
21 provides information specifying the name of the manufacturer,  
22 the brand, and the anticipated percentage of alcohol by volume  
23 of the cider. The package must have an unbroken seal or be  
24 incapable of being immediately consumed.

25 (c) A licensee authorized to fill or refill growlers may  
26 not use growlers for the purposes of distribution or sale  
27 outside of the licensed manufacturing premises or licensed  
28 vendor premises.

29 (d) A person, firm, or corporation, including its agents,  
30 officers, or employees, that violates this subsection commits a  
31 misdemeanor of the first degree, punishable as provided in s.  
32 775.082 or s. 775.083, and the license held by the person, firm,  
33 or corporation, if any, is subject to revocation or suspension  
34 by the division. A person, firm, or corporation, including its  
35 agents, officers, or employees, that violates paragraph (b) may  
36 be subject to a fine by the division of up to \$250.

37 (3) ~~;~~ however, This section does not prohibit cider from  
38 being packaged and sold in bulk, in kegs or barrels, or in any  
39 individual container that contains 1 gallon or more of cider,  
40 regardless of container type.



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41 Section 4. Section 564.09, Florida Statutes, is amended to  
42 read:

43 564.09 Restaurants; off-premises consumption of wine.—  
44 Notwithstanding any other provision of law, a restaurant  
45 licensed to sell wine on the premises may permit a patron to  
46 remove one unsealed bottle of wine for consumption off the  
47 premises if the patron has purchased a ~~full-course~~ meal  
48 ~~consisting of a salad or vegetable, entree, a beverage, and~~  
49 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~  
50 ~~meal~~ on the restaurant premises. A partially consumed bottle of  
51 wine that is to be removed from the premises must be securely  
52 resealed by the licensee or its employees before removal from  
53 the premises. The partially consumed bottle of wine shall be  
54 placed in a bag or other container that is secured in such a  
55 manner that it is visibly apparent if the container has been  
56 subsequently opened or tampered with, and a dated receipt for  
57 the bottle of wine and ~~full-course~~ meal shall be provided by the  
58 licensee and attached to the container. If transported in a  
59 motor vehicle, the container with the resealed bottle of wine  
60 must be placed in a locked glove compartment, a locked trunk, or  
61 the area behind the last upright seat of a motor vehicle that is  
62 not equipped with a trunk.

63 Section 5. Paragraphs (a) and (b) of subsection (1) and  
64 paragraph (c) of subsection (2) of section 565.03, Florida  
65 Statutes, are amended to read:

66 565.03 License fees; manufacturers, distributors, brokers,  
67 sales agents, and importers of alcoholic beverages; vendor  
68 licenses and fees; distilleries and craft distilleries.—

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



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70 (a) "Branded product" means any distilled spirits product  
71 manufactured on site, or manufactured on site and blended on  
72 site with other distilled spirits, which requires a federal  
73 certificate and label approval by the Federal Alcohol  
74 Administration Act or federal regulations.

75 (b) "Craft distillery" means a licensed distillery that  
76 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
77 distilled spirits on its premises and is designated as a craft  
78 distillery by ~~has notified~~ the division upon notification in  
79 writing of its decision to qualify as a craft distillery.

80 (2)

81 (c) A craft distillery licensed under this section may sell  
82 to consumers, at its souvenir gift shop, up to 75,000 gallons  
83 per calendar year of branded products ~~distilled on its premises~~  
84 ~~in this state~~ in factory-sealed containers that are filled at  
85 the distillery for off-premises consumption. Such sales are  
86 authorized only on private property contiguous to the licensed  
87 distillery premises in this state and included on the sketch or  
88 diagram defining the licensed premises submitted with the  
89 distillery's license application. All sketch or diagram  
90 revisions by the distillery shall require the division's  
91 approval verifying that the souvenir gift shop location operated  
92 by the licensed distillery is owned or leased by the distillery  
93 and on property contiguous to the distillery's production  
94 building in this state.

95 1. A craft distillery may not sell any factory-sealed  
96 individual containers of spirits except in face-to-face sales  
97 transactions with consumers ~~who are making a purchase of no more~~  
98 ~~than six individual containers of each branded product.~~



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99           2. Each container sold in face-to-face transactions with  
100 consumers must comply with the container limits in s. 565.10,  
101 per calendar year for the consumer's personal use and not for  
102 resale and who are present at the distillery's licensed premises  
103 in this state.

104           3. A craft distillery must report to the division within 5  
105 days after it reaches the production limitations provided in  
106 paragraph (1)(b). Any retail sales to consumers at the craft  
107 distillery's licensed premises are prohibited beginning the day  
108 after it reaches the production limitation.

109           4. A craft distillery may not ship or arrange to ship any  
110 of its distilled spirits to consumers and may sell and deliver  
111 only to consumers within the state in a face-to-face transaction  
112 at the distillery property. However, a craft distiller licensed  
113 under this section may ship, arrange to ship, or deliver such  
114 spirits to manufacturers of distilled spirits, wholesale  
115 distributors of distilled spirits, state or federal bonded  
116 warehouses, and exporters.

117           5. Except as provided in subparagraph 6., it is unlawful to  
118 transfer a distillery license for a distillery that produces  
119 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled  
120 spirits on its premises or any ownership interest in such  
121 license to an individual or entity that has a direct or indirect  
122 ownership interest in any distillery licensed in this state;  
123 another state, territory, or country; or by the United States  
124 government to manufacture, blend, or rectify distilled spirits  
125 for beverage purposes.

126           6. A craft distillery shall not have its ownership  
127 affiliated with another distillery, unless such distillery



128 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
129 distilled spirits on each of its premises in this state or in  
130 another state, territory, or country.

131 7. A craft distillery may transfer up to 75,000 gallons per  
132 calendar year of distilled spirits it manufactures from its  
133 federal bonded space, nonbonded space at its licensed premises,  
134 or storage areas to its souvenir gift shop.

135  
136 ===== T I T L E A M E N D M E N T =====

137 And the title is amended as follows:

138 Delete line 12

139 and insert:

140 alcoholic beverages; repealing s. 564.05, F.S.,  
141 relating to limitations on the size of individual wine  
142 containers; amending s. 564.055, F.S.; authorizing the  
143 packaging, filling, refilling, or sale of cider in  
144 growlers of specified sizes and under specified  
145 circumstances; providing labeling and packaging  
146 requirements for cider growlers; restricting the use  
147 of cider growlers; providing criminal and civil  
148 penalties and license revocation or suspension for  
149 certain persons or licensees who violate provisions  
150 regulating cider growlers; amending s. 564.09, F.S.;  
151 revising provisions authorizing a restaurant to allow  
152 a patron to remove bottles of wine from a restaurant  
153 for off-premises consumption; amending s. 565.03,  
154 F.S.; redefining the terms "branded product" and  
155 "craft distillery"; providing limitations on retail  
156 sales by a craft distillery to consumers; deleting a



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157 provision that prohibits a craft distillery from  
158 selling more than six individual containers of a  
159 branded product to a consumer; providing that it is  
160 unlawful to transfer a distillery license, or  
161 ownership in a distillery license, for certain  
162 distilleries to certain individuals or entities;  
163 prohibiting a craft distillery from having its  
164 ownership affiliated with certain other distilleries;  
165 authorizing a craft distillery to transfer distilled  
166 spirits from certain locations to its souvenir gift  
167 shop; providing an effective date.