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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 02:45 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 Section 564.05, Florida Statutes, is repealed.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



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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; providing



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157 that it is unlawful to transfer a distillery license,
158 or ownership in a distillery license, for certain
159 distilleries to certain individuals or entities;
160 prohibiting a craft distillery from having its
161 ownership affiliated with certain other distilleries;
162 authorizing a craft distillery to transfer distilled
163 spirits from certain locations to its souvenir gift
164 shop; providing an effective date.