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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: CA
03/09/2018 02:41 PM	.	03/09/2018 10:01 PM
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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. 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  
more than 32 ounces of cider.



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

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

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

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

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

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

40           Section 2. Section 564.09, Florida Statutes, is amended to



41 read:

42 564.09 Restaurants; off-premises consumption of wine.—  
43 Notwithstanding any other provision of law, a restaurant  
44 licensed to sell wine on the premises may permit a patron to  
45 remove one unsealed bottle of wine for consumption off the  
46 premises if the patron has purchased a ~~full-course~~ meal  
47 ~~consisting of a salad or vegetable, entree, a beverage, and~~  
48 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~  
49 ~~meal~~ on the restaurant premises. A partially consumed bottle of  
50 wine that is to be removed from the premises must be securely  
51 resealed by the licensee or its employees before removal from  
52 the premises. The partially consumed bottle of wine shall be  
53 placed in a bag or other container that is secured in such a  
54 manner that it is visibly apparent if the container has been  
55 subsequently opened or tampered with, and a dated receipt for  
56 the bottle of wine and ~~full-course~~ meal shall be provided by the  
57 licensee and attached to the container. If transported in a  
58 motor vehicle, the container with the resealed bottle of wine  
59 must be placed in a locked glove compartment, a locked trunk, or  
60 the area behind the last upright seat of a motor vehicle that is  
61 not equipped with a trunk.

62 Section 3. Paragraph (b) of subsection (1) and paragraph  
63 (c) of subsection (2) of section 565.03, Florida Statutes, are  
64 amended to read:

65 565.03 License fees; manufacturers, distributors, brokers,  
66 sales agents, and importers of alcoholic beverages; vendor  
67 licenses and fees; distilleries and craft distilleries.—

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

69 (b) "Craft distillery" means a licensed distillery that has



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70 notified the division in writing of its decision to qualify as a  
71 craft distillery and that:

72 1. Produces 250,000 ~~75,000~~ or fewer gallons per calendar  
73 year of distilled spirits on its premises; and

74 2. Sells up to 50,000 gallons per calendar year of  
75 distilled spirits to consumers at its souvenir gift shop in  
76 accordance with this section ~~Has notified the division in~~  
77 ~~writing of its decision to qualify as a craft distillery.~~

78 (2)

79 (c) A craft distillery licensed under this section may sell  
80 to consumers, at its souvenir gift shop, up to 50,000 gallons  
81 per calendar year of branded products distilled on its premises  
82 in this state in factory-sealed containers that are filled at  
83 the distillery for off-premises consumption. Such sales are  
84 authorized only on private property contiguous to the licensed  
85 distillery premises in this state and included on the sketch or  
86 diagram defining the licensed premises submitted with the  
87 distillery's license application. All sketch or diagram  
88 revisions by the distillery shall require the division's  
89 approval verifying that the souvenir gift shop location operated  
90 by the licensed distillery is owned or leased by the distillery  
91 and on property contiguous to the distillery's production  
92 building in this state.

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

97 2. Each container sold in face-to-face transactions with  
98 consumers must comply with the container limits in s. 565.10,



99 per calendar year for the consumer's personal use and not for  
100 resale and who are present at the distillery's licensed premises  
101 in this state.

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

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

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

124 6. A craft distillery may ~~shall~~ not have its ownership  
125 interest directly or indirectly affiliated with any individual  
126 or entity that has a direct or indirect ownership interest in  
127 any distillery licensed in this state; in another state,



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128 territory, or country; or by the United States government to  
129 manufacture, blend, or rectify distilled spirits for beverage  
130 purposes, unless such distillery is a craft distillery another  
131 distillery, unless such distillery produces 75,000 or fewer  
132 gallons per calendar year of distilled spirits on each of its  
133 premises in this state or in another state, territory, or  
134 country.

135 7. A craft distillery may transfer up to 50,000 gallons per  
136 calendar year of distilled spirits it manufactures from its  
137 federal bonded space, a nonbonded space, its licensed premises,  
138 or its storage areas to its souvenir gift shop.

139 Section 4. This act shall take effect upon becoming a law.

140

141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete everything before the enacting clause  
144 and insert:

145 A bill to be entitled  
146 An act relating to the Beverage Law; amending s.  
147 564.055, F.S.; authorizing the packaging, filling,  
148 refilling, or sale of cider in growlers of specified  
149 sizes and under specified circumstances; providing  
150 labeling and packaging requirements for cider  
151 growlers; restricting the use of cider growlers;  
152 providing criminal and civil penalties and license  
153 revocation or suspension for certain persons or  
154 licensees who violate provisions regulating cider  
155 growlers; amending s. 564.09, F.S.; revising  
156 provisions authorizing a restaurant to allow a patron



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157 to remove bottles of wine from a restaurant for off-  
158 premises consumption; amending s. 565.03, F.S.;  
159 redefining the term "craft distillery"; providing  
160 limitations on retail sales by a craft distillery to  
161 consumers; deleting a provision that prohibits a craft  
162 distillery from selling more than six individual  
163 containers of a branded product to a consumer;  
164 providing that it is unlawful to transfer a distillery  
165 license, or ownership in a distillery license, for  
166 certain distilleries to certain individuals or  
167 entities; prohibiting a craft distillery from having  
168 its ownership affiliated with certain other  
169 distilleries; authorizing a craft distillery to  
170 transfer up to a certain amount of distilled spirits  
171 from certain locations to its souvenir gift shop;  
172 providing an effective date.