

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Perez offered the following:

Amendment to Amendment (267770) (with title amendment)

Remove lines 5-96 of the amendment and insert:

Section 1. Subsection (6) of section 562.34, Florida Statutes, is amended to read:

562.34 Containers; seizure and forfeiture.—

(6) Notwithstanding the provisions of this section, it shall not be unlawful for any person to have in her or his possession, custody, or control a growler as described in s. 563.06(7) or s. 564.055(2), either full or empty, or to transport such growler.

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 Section 564.05, Florida Statutes, is repealed.

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

16 564.055 Cider containers and growlers.—Notwithstanding any
17 other law to the contrary:7

18 (1) Cider, as defined in s. 564.06(4), may be sold by
19 vendors at retail in any size individual container containing no
20 more than 32 ounces of cider.

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

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

28 (b) A growler must include an imprint or label that
29 provides information specifying the name of the manufacturer,
30 the brand, and the anticipated percentage of alcohol by volume
31 of the cider. The package must have an unbroken seal or be
32 incapable of being immediately consumed.

33 (c) A licensee authorized to fill or refill growlers may
34 not use growlers for the purposes of distribution or sale
35 outside of the licensed manufacturing premises or licensed
36 vendor premises.

37 (d) A person, firm, or corporation, including its agents,
38 officers, or employees, that violates this subsection commits a

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39 misdemeanor of the first degree, punishable as provided in s.
40 775.082 or s. 775.083, and the license held by the person, firm,
41 or corporation, if any, is subject to revocation or suspension
42 by the division. A person, firm, or corporation, including its
43 agents, officers, or employees, that violates paragraph (b) may
44 be subject to a fine by the division of up to \$250.

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

49 Section 4. Section 564.09, Florida Statutes, is amended to
50 read:

51 564.09 Restaurants; off-premises consumption of wine.—
52 Notwithstanding any other provision of law, a restaurant
53 licensed to sell wine on the premises may permit a patron to
54 remove one unsealed bottle of wine for consumption off the
55 premises if the patron has purchased a ~~full course~~ meal
56 ~~consisting of a salad or vegetable, entree, a beverage, and~~
57 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
58 ~~meal~~ on the restaurant premises. A partially consumed bottle of
59 wine that is to be removed from the premises must be securely
60 resealed by the licensee or its employees before removal from
61 the premises. The partially consumed bottle of wine shall be
62 placed in a bag or other container that is secured in such a
63 manner that it is visibly apparent if the container has been

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64 subsequently opened or tampered with, and a dated receipt for
65 the bottle of wine and ~~full-course~~ meal shall be provided by the
66 licensee and attached to the container. If transported in a
67 motor vehicle, the container with the resealed bottle of wine
68 must be placed in a locked glove compartment, a locked trunk, or
69 the area behind the last upright seat of a motor vehicle that is
70 not equipped with a trunk.

71 Section 5. Paragraph (b) of subsection (1) and paragraph
72 (c) of subsection (2) of section 565.03, Florida Statutes, are
73 amended to read:

74 565.03 License fees; manufacturers, distributors, brokers,
75 sales agents, and importers of alcoholic beverages; vendor
76 licenses and fees; distilleries and craft distilleries.—

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

78 (b) "Craft distillery" means a licensed distillery that
79 has notified the division in writing of its decision to qualify
80 as a craft distillery and that:

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

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

87 (2)

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

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

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109 **T I T L E A M E N D M E N T**

110 Remove lines 147-163 of the amendment and insert:
 111 562.34, F.S.; providing for lawful possession,
 112 custody, or control of a growler under certain

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113 | circumstances; repealing s. 564.05, F.S., relating to
114 | the limitation of the size of individual wine
115 | containers; amending s. 564.055, F.S.; authorizing the
116 | packaging, filling, refilling, or sale of cider in
117 | growlers of specified sizes and under specified
118 | circumstances; providing labeling and packaging
119 | requirements for cider growlers; restricting the use
120 | of cider growlers; providing criminal and civil
121 | penalties and license revocation or suspension for
122 | certain persons or licensees who violate provisions
123 | regulating cider growlers; amending s. 564.09, F.S.;
124 | revising provisions authorizing a restaurant to allow
125 | a patron to remove bottles of wine from a restaurant
126 | for off-premises consumption; amending s. 565.03,
127 | F.S.; redefining the term "craft distillery";
128 | providing limitations on retail sales by a craft
129 | distillery to consumers;

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