

1 A bill to be entitled
 2 An act relating to the Beverage Law; amending s.
 3 562.34, F.S.; authorizing the possession and transport
 4 of cider growlers; repealing s. 564.05, F.S., relating
 5 to limitations on the size of individual wine
 6 containers; amending s. 564.055, F.S.; authorizing the
 7 packaging, filling, refilling, or sale of cider in
 8 growlers of specified sizes and under specified
 9 circumstances; providing labeling and packaging
 10 requirements for cider growlers; restricting the use
 11 of cider growlers; providing criminal and civil
 12 penalties and license revocation or suspension for
 13 certain persons or licensees who violate provisions
 14 regulating cider growlers; amending s. 564.09, F.S.;
 15 revising provisions authorizing a restaurant to allow
 16 a patron to remove certain containers from a
 17 restaurant for off-premises consumption; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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

24 562.34 Containers; seizure and forfeiture.—

25 (6) Notwithstanding the provisions of this section, it

26 shall not be unlawful for any person to have in her or his
 27 possession, custody, or control a growler as described in s.
 28 563.06(7) or s. 564.055(2), either full or empty, or to
 29 transport such growler.

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 Section 564.05, Florida Statutes, is repealed.

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

33 564.055 Cider containers and growlers.—Notwithstanding any
 34 other law to the contrary:7

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

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

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

45 (b) A growler must include an imprint or label that
 46 provides information specifying the name of the manufacturer,
 47 the brand, and the anticipated percentage of alcohol by volume
 48 of the cider. The package must have an unbroken seal or be
 49 incapable of being immediately consumed.

50 (c) A licensee authorized to fill or refill growlers may

51 not use growlers for the purposes of distribution or sale
 52 outside of the licensed manufacturing premises or licensed
 53 vendor premises.

54 (d) A person, firm, or corporation, including its agents,
 55 officers, or employees, that violates this subsection commits a
 56 misdemeanor of the first degree, punishable as provided in s.
 57 775.082 or s. 775.083, and the license held by the person, firm,
 58 or corporation, if any, is subject to revocation or suspension
 59 by the division. A person, firm, or corporation, including its
 60 agents, officers, or employees, that violates paragraph (b) may
 61 be subject to a fine by the division of up to \$250.

62 (3) ; however, This section does not prohibit cider from
 63 being packaged and sold in bulk, in kegs or barrels, or in any
 64 individual container that contains 1 gallon or more of cider,
 65 regardless of container type.

66 Section 4. Section 564.09, Florida Statutes, is amended to
 67 read:

68 564.09 Restaurants; off-premises consumption of wine.—
 69 Notwithstanding any other provision of law, a restaurant
 70 licensed to sell wine on the premises may permit a patron to
 71 remove one unsealed bottle of wine for consumption off the
 72 premises if the patron has purchased a ~~full course~~ meal
 73 ~~consisting of a salad or vegetable, entree, a beverage, and~~
 74 ~~bread~~ and consumed a portion of the bottle of wine with such
 75 meal on the restaurant premises. A partially consumed bottle of

76 | wine that is to be removed from the premises must be securely
77 | resealed by the licensee or its employees before removal from
78 | the premises. The partially consumed bottle of wine shall be
79 | placed in a bag or other container that is secured in such a
80 | manner that it is visibly apparent if the container has been
81 | subsequently opened or tampered with, and a dated receipt for
82 | the bottle of wine and ~~full-course~~ meal shall be provided by the
83 | licensee and attached to the container. If transported in a
84 | motor vehicle, the container with the resealed bottle of wine
85 | must be placed in a locked glove compartment, a locked trunk, or
86 | the area behind the last upright seat of a motor vehicle that is
87 | not equipped with a trunk.

88 | Section 5. This act shall take effect July 1, 2018.