

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1134

INTRODUCER: Regulated Industries Committee and Senator Trumbull

SUBJECT: Individual Wine Containers

DATE: February 13, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>Oxamendi</u>	<u>Twogood</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1134 provides additional exceptions to the limitation on the size of wine containers that may be sold in Florida. The bill allows the sale of glass containers holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine. Under current law, a wine container sold in Florida may not hold more than one gallon, unless the container is reusable and holds 5.16 gallons.

The bill takes effect July 1, 2024.

II. Present Situation:

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation administers and enforces¹ the Beverage Law,² which regulates the manufacture, distribution, and sale of wine, beer, and liquor.³ The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

¹ Section 561.02, F.S.

² Section 561.01(6), F.S., provides that the "Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

³ See s. 561.14, F.S.

Wine

The term “wine” means:⁴

all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, sake, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine.

“Fortified wine” means all wines containing more than 17.259 percent of alcohol by volume.⁵

Wine Container Size Limits

Section 564.05, F.S., prohibits the sale of wine in an individual container that holds more than one gallon (3.785 liters) of wine. However, wine may be sold in a reusable container of 5.16 gallons (19.5 liters). Distributors and manufacturers may sell wine to other distributors and manufacturers in containers of any size. Any person who violates the prohibition in s. 564.05, F.S., commits a second degree misdemeanor.⁶

Federal law specifies fill standards for wine containers.⁷ The wine container must be filled to contain the quantity of wine authorized in the federal fill standards so as not to mislead the consumer.⁸ The authorized standards of fill range from 50 milliliters to three liters. However, if the fill of the wine container is four liters or larger, the container must be labeled in even liters, e.g., four liters, five liters, etc.⁹ There are also several exceptions to the standard fill requirements, including exceptions for certain imported wines in original containers, wines bottled before specified dates, and wine packed in containers of 18 liters or more.¹⁰

III. Effect of Proposed Changes:

The bill revises s. 564.05, F.S., to allow the sale of glass containers holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine.

The bill takes effect July 1, 2024.

⁴ Section 564.01(1), F.S.

⁵ Section 564.01(2), F.S.

⁶ Section 775.082(4), F.S., provides the penalty for a misdemeanor of the second degree is a term of imprisonment not exceeding 60 days. Section 775.083(1)(e), F.S., provides the penalty for a misdemeanor of the second degree is a fine not to exceed \$500.

⁷ 27 C.F.R. s. 4.70 *et seq.*

⁸ 27 C.F.R. s. 4.71.

⁹ 27 C.F.R. s. 4.72.

¹⁰ 27 C.F.R. s. 4.70. The standard wine barrel is 225 liters or 59 gallons. See Wine Industry Advisor, Living Large: Supersizing Barrels for a Subtler Impact, at: <https://wineindustryadvisor.com/2020/08/11/living-large-supersizing-barrels-for-a-subtler-impact> (last visited Mar. 23, 2023).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 564.05 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on February 5, 2024:

The committee substitute provides additional exceptions on the limitation on the size of wine containers to allow the sale of glass containers holding 4.5 liters, 9 liters, 12 liters, or 15 liters of wine. It removes from the bill the provision exempting all containers of wine that are made of glass from the limitation on the size of wine containers.

- B. **Amendments:**

None.