

1 A bill to be entitled
 2 An act relating to craft brewers; amending s. 561.221,
 3 F.S.; clarifying exceptions to the three-tier system;
 4 setting requirements and parameters for manufacturers
 5 obtaining vendor's licenses; providing a definition;
 6 amending s. 561.42, F.S.; deleting the prohibition
 7 against manufacturers and distributors conducting
 8 tastings; amending s. 561.5101, F.S.; updating a
 9 cross-reference; amending s. 562.34, F.S.; providing
 10 that possessing and transporting growler containers is
 11 lawful; amending s. 563.022, F.S.; clarifying the
 12 treatment of malt beverages brewed in collaboration
 13 between two manufacturers; permitting limited self-
 14 distribution by manufacturers; amending s. 563.06,
 15 F.S.; providing a definition; setting requirements for
 16 growlers; creating s. 563.09, F.S.; allowing malt
 17 beverage tastings to be conducted by manufacturers and
 18 distributors with limitations; providing an effective
 19 date.

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

22
 23 Section 1. Subsections (2) and (3) of section 561.221,
 24 Florida Statutes, are amended to read:

25 561.221 Retail exceptions to manufacturing licenses and
 26 brewing exceptions to vendor licenses ~~Licensing of manufacturers~~

27 ~~and distributors as vendors and of vendors as manufacturers;~~
 28 conditions and limitations.-

29 (2) A manufacturer of malt beverages who is licensed and
 30 engaged in the manufacture of malt beverages in this state may
 31 sell directly to consumers in face-to-face transactions as
 32 follows:

33 (a) At a taproom, malt beverages brewed by the
 34 manufacturer or in collaboration with other manufacturers may be
 35 sold to consumers for on-premises or off-premises consumption
 36 without obtaining a vendor's license. Taprooms are subject to
 37 the following requirements:

38 1. The taproom must be a room or rooms located on the
 39 manufacturing licensed premises consisting of a single complex,
 40 which shall include a brewery. Such premises may be divided by
 41 no more than one public street or highway. The taproom shall be
 42 included on the sketch or diagram defining the licensed premises
 43 submitted with the manufacturer's license application. All
 44 sketch or diagram revisions by the manufacturer shall require
 45 the division's approval verifying that the taproom operated by
 46 the licensed manufacturer is owned or leased by the manufacturer
 47 and on licensed manufacturing premises.

48 2. At least 70 percent of the malt beverages sold to
 49 consumers in the taproom, per calendar year, shall be brewed on
 50 the licensed manufacturing premises. Malt beverages brewed in
 51 collaboration with other manufacturers shall not be included in
 52 the 70 percent. No more than 30 percent of the malt beverages

53 sold to consumers at the taproom, per calendar year, may be
 54 brewed by the manufacturer at other manufacturing premises and
 55 shipped to the licensed manufacturing premises pursuant to s.
 56 563.022(14)(d) or brewed in collaboration with other
 57 manufacturers.

58 3. Malt beverages may be sold to consumers at the taproom
 59 for off-premises consumption in authorized containers pursuant
 60 the requirements set forth in s. 563.06(6) and (7).

61 4. The manufacturer of malt beverages pursuant to this
 62 subsection shall be responsible for applicable reports pursuant
 63 to ss. 561.50 and 561.55 with respect to the amount of malt
 64 beverage sold or given to consumers in the taproom each month
 65 and shall pay applicable excise taxes thereon to the division by
 66 the 10th day of each month for the previous month.

67 5. Nothing in this subsection precludes a licensed
 68 manufacturer of malt beverages with a taproom from also holding
 69 a permanent food service license at the taproom.

70 6. No manufacturer may hold a vendor license at a licensed
 71 manufacturing premises operating a taproom pursuant to this
 72 paragraph.

73 (b) In lieu of a taproom, the ~~The~~ division is authorized
 74 to issue a vendor's license ~~licenses~~ to a manufacturer of malt
 75 beverages at no more than two manufacturing premises for which
 76 the manufacturer has an interest, directly or indirectly, in the
 77 license if the following requirements are met: ~~even if such~~
 78 ~~manufacturer is also licensed as a distributor, for the sale of~~

79 ~~alcoholic beverages on property consisting of a single complex,~~
 80 ~~which property shall include a brewery and such other structures~~
 81 ~~which promote the brewery and the tourist industry of the state.~~
 82 ~~However, such property may be divided by no more than one public~~
 83 ~~street or highway.~~

84 1. A licensed manufacturer may obtain one vendor's license
 85 per licensed manufacturing premises for up to two of the
 86 manufacturer's premises. Any additional manufacturing premises
 87 for which the manufacturer has an interest, directly or
 88 indirectly, in the license may operate a taproom without a
 89 vendor's license pursuant to the requirements set forth in
 90 paragraph (a).

91 2. The vendor's license shall be located on the
 92 manufacturing premises consisting of a single complex, which
 93 shall include a brewery. Such premises may be divided by no more
 94 than one public street or highway. The vendor licensed premises
 95 shall be included on the sketch or diagram defining the licensed
 96 premises submitted with the manufacturer's license application.
 97 All sketch or diagram revisions by the manufacturer shall
 98 require the division's approval verifying that the vendor
 99 premises operated by the licensed manufacturer is owned or
 100 leased by the manufacturer and on the licensed manufacturing
 101 premises.

102 3. The manufacturer may sell alcoholic beverages under its
 103 vendor's license as follows:

104 a. Malt beverages manufactured on the licensed premises; at
 105 another manufacturing premises for which the manufacturer has an
 106 interest, directly or indirectly, in the license; or in
 107 collaboration with another manufacturer for:

108 (I) On-premises consumption.

109 (II) Off-premises consumption in authorized containers,
 110 pursuant to s. 563.06(6).

111 (III) Off-premises consumption in growlers, pursuant to s.
 112 563.06(7).

113 b. Malt beverages manufactured exclusively by other
 114 manufacturers for:

115 (I) On-premises consumption.

116 (II) Off-premises consumption in authorized containers,
 117 pursuant to s. 563.06(6).

118 (III) Off-premises consumption in growlers, pursuant to s.
 119 563.06(7), by holders of a quota license.

120 c. Any wine or liquor for on-premises or off-premises
 121 consumption as authorized under its vendor's license.

122 4. The manufacturer of malt beverages pursuant to this
 123 subsection shall be responsible for applicable reports pursuant
 124 to ss. 561.50 and 561.55 with respect to the amount of malt
 125 beverages manufactured and sold pursuant to their vendor's
 126 license, or given to consumers each month, including malt
 127 beverages brewed in collaboration with another manufacturer, and
 128 shall pay applicable excise taxes thereon to the division by the
 129 10th day of each month for the previous month.

130 5. Nothing in this subsection precludes a licensed
 131 manufacturer of malt beverages with a vendor's license from also
 132 holding a permanent food service license at the taproom.

133 (3) The division is authorized to issue a manufacturer's
 134 license and a vendor's license to a brewpub. The brewpub may
 135 only obtain a consumption-on-premises vendor's license pursuant
 136 to s. 563.02, or a quota license pursuant to ss. 561.20(1) and
 137 565.01(1)(a)-(f), and may sell alcoholic beverages according to
 138 those licenses and as approved for in paragraph (a).

139 (a) In order to operate as a brewpub, the following
 140 requirements must be met ~~Notwithstanding other provisions of the~~
 141 ~~Beverage Law, any vendor licensed in this state may be licensed~~
 142 ~~as a manufacturer of malt beverages upon a finding by the~~
 143 ~~division that:~~

144 1. The brewpub vendor will be engaged in brewing malt
 145 beverages at a single licensed brewpub premises ~~location~~ and in
 146 an amount which will not exceed 10,000 kegs per calendar year.
 147 For purposes of this subsection, the term "keg" means 15.5
 148 gallons.

149 2. A brewpub may sell alcoholic beverages in face-to-face
 150 transactions with consumers as follows:

151 a. Malt beverages manufactured on the licensed premises
 152 for:

153 (I) On-premises consumption.

154 (II) Off-premises consumption in growlers, pursuant to s.
 155 563.06(7).

156 b. Malt beverages manufactured exclusively by other
 157 manufacturers for:
 158 (I) On-premises consumption as authorized under its
 159 vendor's license.
 160 (II) Off-premises consumption in authorized containers,
 161 pursuant to s. 563.06(6) as authorized under its vendor's
 162 license.
 163 (III) Off-premises consumption in growlers, pursuant to s.
 164 563.06(7), by holders of a quota license.
 165 c. Any wine or liquor for on-premises or off-premises
 166 consumption as authorized under its vendor's license.
 167 ~~2. The malt beverages so brewed will be sold to consumers~~
 168 ~~for consumption on the vendor's licensed premises or on~~
 169 ~~contiguous licensed premises owned by the vendor.~~
 170 3. The brewpub may not ship malt beverages to or between
 171 licensed brewpub premises owned by the licensed entity. A
 172 brewpub is not a manufacturer for the purposes of s.
 173 563.022(14).
 174 4. The brewpub may not distribute or sell malt beverages
 175 outside the licensed brewpub premises.
 176 5. The brewpub must hold a permanent food service license.
 177 (b) The brewpub ~~Any vendor which is also licensed as a~~
 178 ~~manufacturer of malt beverages pursuant to this subsection shall~~
 179 be responsible for applicable reports pursuant to ss. 561.50 and
 180 561.55 with respect to the amount of beverage manufactured each
 181 month and shall pay applicable excise taxes thereon to the

182 division by the 10th day of each month for the previous month.

183 (c) It shall be unlawful for any licensed distributor of
 184 malt beverages or any officer, agent, or other representative
 185 thereof to discourage or prohibit any brewpub ~~vendor~~ licensed as
 186 ~~a manufacturer~~ under this subsection from offering malt
 187 beverages brewed for consumption on the licensed premises of the
 188 vendor.

189 (d) It shall be unlawful for any manufacturer of malt
 190 beverages or any officer, agent, or other representative thereof
 191 to take any action to discourage or prohibit any distributor of
 192 the manufacturer's product from distributing such product to a
 193 licensed brewpub ~~vendor which is also licensed as a manufacturer~~
 194 ~~of malt beverages~~ pursuant to this subsection.

195 Section 2. Paragraph (e) of subsection (14) of section
 196 561.42, Florida Statutes, is amended to read:

197 561.42 Tied house evil; financial aid and assistance to
 198 vendor by manufacturer, distributor, importer, primary American
 199 source of supply, brand owner or registrant, or any broker,
 200 sales agent, or sales person thereof, prohibited; procedure for
 201 enforcement; exception.—

202 (14) The division shall adopt reasonable rules governing
 203 promotional displays and advertising, which rules shall not
 204 conflict with or be more stringent than the federal regulations
 205 pertaining to such promotional displays and advertising
 206 furnished to vendors by distributors, manufacturers, importers,
 207 primary American sources of supply, or brand owners or

208 registrants, or any broker, sales agent, or sales person
 209 thereof; however:

210 ~~(c) Manufacturers, distributors, importers, brand owners,~~
 211 ~~or brand registrants of beer, and any broker, sales agent, or~~
 212 ~~sales person thereof, shall not conduct any sampling activities~~
 213 ~~that include tasting of their product at a vendor's premises~~
 214 ~~licensed for off-premises sales only.~~

215 Section 3. Subsection (1) of section 561.5101, Florida
 216 Statutes, is amended to read:

217 561.5101 Come-to-rest requirement; exceptions; penalties.—

218 (1) For purposes of inspection and tax-revenue control,
 219 all malt beverages, except those manufactured and sold pursuant
 220 to s. 561.221(2) or (3), must come to rest at the licensed
 221 premises of an alcoholic beverage wholesaler in this state
 222 before being sold to a vendor by the wholesaler. The prohibition
 223 contained in this subsection does not apply to the shipment of
 224 malt beverages commonly known as private labels. The prohibition
 225 contained in this subsection shall not prevent a manufacturer
 226 from shipping malt beverages for storage at a bonded warehouse
 227 facility, provided that such malt beverages are distributed as
 228 provided in this subsection or to an out-of-state entity.

229 Section 4. Subsections (1) and (3) of section 562.34,
 230 Florida Statutes, are amended to read:

231 562.34 Containers; seizure and forfeiture.—

232 (1) It shall be unlawful for any person to have in her or
 233 his possession, custody, or control any cans, jugs, jars,

234 bottles, vessels, or any other type of containers which are
 235 being used, are intended to be used, or are known by the
 236 possessor to have been used to bottle or package alcoholic
 237 beverages; however, this provision shall not apply to any person
 238 properly licensed to bottle or package such alcoholic beverages
 239 or to any person intending to dispose of such containers to a
 240 person, firm, or corporation properly licensed to bottle or
 241 package such alcoholic beverages, or to any person that has in
 242 her or his possession a growler, as defined in s. 563.06(7).

243 (3) It shall be unlawful for any person to transport any
 244 cans, jugs, jars, bottles, vessels, or any other type of
 245 containers intended to be used to bottle or package alcoholic
 246 beverages; however, this section shall not apply to any firm or
 247 corporation holding a license to manufacture or distribute such
 248 alcoholic beverages and shall not apply to any person
 249 transporting such containers to any person, firm, or corporation
 250 holding a license to manufacture or distribute such alcoholic
 251 beverages, or to any person transporting a growler, as defined
 252 in s. 563.06(7).

253 Section 5. Paragraph (d) of subsection (14) of section
 254 563.022, Florida Statutes, is amended and paragraph (g) is added
 255 to said section, to read:

256 563.022 Relations between beer distributors and
 257 manufacturers.—

258 (14) MANUFACTURER; PROHIBITED INTERESTS.—

259 (d) Nothing in the Beverage Law shall be construed to

260 prohibit a manufacturer from shipping products to or between its
 261 licensed manufacturing premises ~~breweries~~ without a
 262 distributor's license. Malt beverages brewed in collaboration
 263 between two manufacturers shall be considered products of both
 264 manufacturers and may be shipped to the licensed manufacturing
 265 premises of either manufacturer pursuant to this section.

266 (g) Notwithstanding any provision of the Beverage Law,
 267 manufacturers may sell and ensure receipt of no more than 3000
 268 gallons of malt beverages manufactured by the manufacturer, per
 269 calendar year, directly to vendors. The manufacturer shall be
 270 responsible for applicable reports pursuant to ss. 561.50 and
 271 561.55 with respect to the amount of malt beverage sold pursuant
 272 to this paragraph, including malt beverages brewed in
 273 collaboration with another manufacturer, and shall pay
 274 applicable excise taxes thereon to the division by the 10th day
 275 of each month for the previous month. The sale and delivery of
 276 malt beverages pursuant to this subsection shall not be
 277 considered distribution under the Beverage Law.

278 Section 6. Subsections (1), (6), and (7) of section
 279 563.06, Florida Statutes, are amended to read:

280 563.06 Malt beverages; imprint on individual container;
 281 size of containers; growlers; exemptions.-

282 (1) All ~~On and after October 1, 1959,~~ all taxable malt
 283 beverages packaged in individual containers possessed by any
 284 person in the state for the purpose of sale or resale in the
 285 state, except operators of railroads, sleeping cars, steamships,

286 buses, and airplanes engaged in interstate commerce and licensed
 287 under this section, shall have imprinted thereon in clearly
 288 legible fashion by any permanent method the word "Florida" or
 289 "FL" and no other state name or abbreviation of any state name
 290 in not less than 8-point type. The word "Florida" or "FL" shall
 291 appear first or last, if imprinted in conjunction with any
 292 manufacturer's code. A facsimile of the imprinting and its
 293 location as it will appear on the individual container shall be
 294 submitted to the division for approval.

295 (6) With the exception of growlers, as defined in
 296 subsection (7) below, all ~~All~~ malt beverages packaged in
 297 individual containers sold or offered for sale by vendors at
 298 retail in this state shall be in individual containers
 299 containing no more than 32 ounces of such malt beverages;
 300 provided, however, that nothing contained in this section shall
 301 affect malt beverages packaged in bulk or in kegs or in barrels
 302 or in any individual container containing 1 gallon or more of
 303 such malt beverage regardless of individual container type.

304 (7) (a) The term "growler" as used in the Beverage Law,
 305 means any 32 ounce, 64 ounce, 128 ounce, 1 liter, or 2 liter
 306 container originally manufactured to hold malt beverages.

307 (b) Growlers may be filled or refilled with malt beverages
 308 as follows:

309 1. With malt beverages manufactured by the manufacturer
 310 who holds a valid manufacturer license and has a taproom
 311 pursuant to s. 561.221(2) (a).

312 2. With malt beverages manufactured by the manufacturer who
 313 holds a valid manufacturer license and a valid vendor license
 314 pursuant to s. 561.221(2)(b).

315 3. With any malt beverages, by a manufacturer who holds a
 316 valid manufacturer license pursuant to s. 561.221(2) and a valid
 317 quota license pursuant to ss. 561.20(1) and 565.01(1)(a)-(f).

318 4. With any malt beverages by a vendor who holds a valid
 319 quota license pursuant to ss. 561.20(1) and 565.01(1)(a)-(f).

320 (c) The container must have an unbroken seal or be
 321 incapable of being immediately consumed.

322 (d) The container must be clearly labeled as containing an
 323 alcoholic beverage and provide the name of the manufacturer, the
 324 brand, the volume, the percentage of alcohol by volume, and the
 325 required federal health warning notice for alcoholic beverages.
 326 If the growler being refilled has an existing label or other
 327 identifying mark from a manufacturer or brand, that label shall
 328 be covered sufficiently to indicate the manufacturer and brand
 329 of the malt beverage placed in the container.

330 (e) The container shall be clean prior to filling.

331 (f) Licensees authorized to fill growlers may not use
 332 growlers for purposes of distribution or sale outside the
 333 manufacturer's or vendor's licensed premises.

334 (8) ~~(7)~~ Any person, firm, or corporation, its agents,
 335 officers or employees, violating any of the provisions of this
 336 section, shall be guilty of a misdemeanor of the first degree,
 337 punishable as provided in s. 775.082 or s. 775.083; and the

338 license, if any, shall be subject to revocation or suspension by
 339 the division.

340 Section 7. Section 563.09, Florida Statutes, is created to
 341 read:

342 563.09 Malt beverage tastings by distributors and
 343 manufacturers.—A licensed distributor of malt beverages or a
 344 manufacturer of malt beverages may conduct a malt beverage
 345 tasting upon a licensed premises authorized to sell alcoholic
 346 beverages by package or for consumption on the premises if the
 347 tasting is conducted as follows:

348 (1) The malt beverage tasting is limited to and directed
 349 toward members of the general public who are of the age of legal
 350 consumption.

351 (2) Samples of malt beverages must be no more than two
 352 ounces for each product sampled.

353 (3) A sample of malt beverage may not be offered from more
 354 than eight products at any one tasting.

355 (4) A person shall not be served more than one sample of
 356 each malt beverage.

357 (5) Tastings may be held between the hours of 10 a.m. and 8
 358 p.m.

359 Section 8. This act shall take effect July 1, 2014.