

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing PCB: Business & Professional
 2 Regulation Subcommittee
 3 Representative Steube offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2) and (3) of section 561.221,
 8 Florida Statutes, are amended, and subsection (4) is added to
 9 that section, to read:

10 561.221 Retail exceptions to manufacturing licenses and
 11 brewing exceptions to vendor licenses ~~Licensing of manufacturers~~
 12 ~~and distributors as vendors and of vendors as manufacturers;~~
 13 conditions and limitations.-

14 (2) A manufacturer of malt beverages who is licensed and
 15 engaged in the manufacture of malt beverages in this state may
 16 sell directly to consumers in face-to-face transactions, which
 17 notwithstanding s. 561.57(1) requires the physical presence of

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18 the consumer to make payment for and take receipt of the
19 beverages on the licensed premises property, as follows:

20 (a) At a taproom, malt beverages brewed by the
21 manufacturer on the licensed manufacturing premises may be sold
22 to consumers for on-premises or off-premises consumption without
23 obtaining a vendor's license, subject to the following
24 requirements:

25 1. The taproom must be a room or rooms located on the
26 manufacturing licensed premises consisting of a single complex,
27 which shall include a brewery. Such premises may be divided by
28 no more than one public street or highway. The taproom shall be
29 included on the sketch or diagram defining the licensed premises
30 submitted with the manufacturer's license application. All
31 sketch or diagram revisions by the manufacturer shall require
32 the division's approval verifying that the taproom operated by
33 the licensed manufacturer is owned or leased by the manufacturer
34 and on licensed manufacturing premises.

35 2. Taproom sales to consumers for off-premises consumption
36 are limited to growlers only, pursuant to the requirements set
37 forth in s. 563.06(7).

38 3. The manufacturer of malt beverages pursuant to this
39 subsection shall be responsible for applicable reports pursuant
40 to ss. 561.50 and 561.55 with respect to the amount of malt
41 beverage sold or given to consumers in the taproom each month
42 and shall pay applicable excise taxes thereon to the division by
43 the 10th day of each month for the previous month.

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44 4. Nothing in this subsection precludes a licensed
45 manufacturer of malt beverages with a taproom from also holding
46 a permanent food service license at the taproom.

47 5. No manufacturer may hold a vendor license at a licensed
48 manufacturing premises operating a taproom pursuant to this
49 paragraph.

50 (b) In lieu of a taproom, on or after July 1, 2014, the
51 The division is authorized to issue a vendor's license licenses
52 to a manufacturer of malt beverages at no more than one
53 manufacturing premises for which the manufacturer has an
54 interest, directly or indirectly, in the license if the
55 following requirements are met: ~~even if such manufacturer is~~
56 ~~also licensed as a distributor, for the sale of alcoholic~~
57 ~~beverages on property consisting of a single complex, which~~
58 ~~property shall include a brewery and such other structures which~~
59 ~~promote the brewery and the tourist industry of the state.~~
60 ~~However, such property may be divided by no more than one public~~
61 ~~street or highway.~~

62 1. A licensed manufacturer may obtain one vendor's license
63 at no more than one licensed manufacturing premises. Any
64 additional manufacturing premises for which the manufacturer has
65 an interest, directly or indirectly, in the license may operate
66 a taproom without a vendor's license pursuant to the
67 requirements set forth in paragraph (a).

68 2. The vendor's license shall be located on the
69 manufacturing premises consisting of a single complex, which

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70 shall include a brewery. Such premises may be divided by no more
71 than one public street or highway. The vendor licensed premises
72 shall be included on the sketch or diagram defining the licensed
73 premises submitted with the manufacturer's license application.
74 All sketch or diagram revisions by the manufacturer shall
75 require the division's approval verifying that the vendor
76 premises operated by the licensed manufacturer is owned or
77 leased by the manufacturer and on the licensed manufacturing
78 premises.

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

81 a. Malt beverages manufactured on the licensed premises; at
82 another manufacturing premises for which the manufacturer has an
83 interest, directly or indirectly, in the license; or in
84 collaboration with another manufacturer for:

85 (I) On-premises consumption.

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

88 (III) Off-premises consumption in growlers, pursuant to s.
89 563.06(7).

90 b. Malt beverages manufactured exclusively by other
91 manufacturers for:

92 (I) On-premises consumption.

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

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95 (III) Off-premises consumption in growlers, pursuant to s.
96 563.06(7), by holders of a quota license.

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

99 4. The manufacturer of malt beverages pursuant to this
100 subsection shall be responsible for applicable reports pursuant
101 to ss. 561.50 and 561.55 with respect to the amount of malt
102 beverages manufactured and sold pursuant to their vendor's
103 license, or given to consumers each month, including malt
104 beverages brewed in collaboration with another manufacturer, and
105 shall pay applicable excise taxes thereon to the division by the
106 10th day of each month for the previous month.

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

110 6. Entities issued a manufacturer's and vendor's license
111 at more than one manufacturer's premises pursuant to this
112 subsection prior to July 1, 2014, may maintain the licenses
113 previously obtained, but shall not obtain additional vendor's
114 licenses. However, except as to the allowance for manufacturers
115 holding a vendor's license at more than one licensed
116 manufacturing premises prior to July 1, 2014, a vendor's license
117 held by a manufacturer of malt beverages pursuant to this
118 subsection, regardless of when first obtained, shall be subject
119 to the requirements of subparagraphs (b)1.-5.

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120 7. An entity with direct or indirect interests in vendor
121 licenses issued to not more than one manufacturing premises
122 under paragraph (2) (b) may not be related, directly or
123 indirectly, to one or more other entities having interests,
124 directly or indirectly, in other vendor licenses issued to other
125 separate manufacturing premises. This provision prohibits the
126 creation of a chain of more than one vendor licensed
127 manufacturing premises under common control of entities having
128 direct or indirect interests in such vendor licensed
129 manufacturing facilities. This does not prohibit the purchase
130 or ownership of stock in a publicly traded corporation where the
131 licensee does not have and does not obtain a controlling
132 interest in the corporation.

133 (3) The division is authorized to issue a manufacturer's
134 license and a vendor's license to a brewpub. In order to operate
135 as a brewpub, the following requirements must be met:

136 (a) ~~Notwithstanding other provisions of the Beverage Law,~~
137 ~~any vendor licensed in this state may be licensed as a~~
138 ~~manufacturer of malt beverages upon a finding by the division~~
139 ~~that:~~

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

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145 (b) A brewpub may sell alcoholic beverages in face-to-face
146 transactions with consumers as follows:

147 1. Malt beverages manufactured on the licensed brewpub
148 premises for on-premises consumption.

149 2. Malt beverages manufactured exclusively by other
150 manufacturers for on-premises consumption as authorized under
151 its vendor's license.

152 3. Any wine or liquor for on-premises consumption as
153 authorized under its vendor's license.

154 ~~2. The malt beverages so brewed will be sold to consumers~~
155 ~~for consumption on the vendor's licensed premises or on~~
156 ~~contiguous licensed premises owned by the vendor.~~

157 (c) The brewpub may not ship malt beverages to or between
158 licensed brewpub premises owned by the licensed entity. A
159 brewpub is not a manufacturer for the purposes of s.
160 563.022(14).

161 (d) The brewpub may not distribute or sell malt beverages
162 outside the licensed brewpub premises.

163 (e) The brewpub must hold a permanent food service
164 license.

165 ~~(f)(b) The brewpub Any vendor which is also licensed as a~~
166 ~~manufacturer of malt beverages pursuant to this subsection shall~~
167 ~~be responsible for applicable reports pursuant to ss. 561.50 and~~
168 ~~561.55 with respect to the amount of beverage manufactured each~~
169 ~~month and shall pay applicable excise taxes thereon to the~~
170 ~~division by the 10th day of each month for the previous month.~~

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171 (g)~~(e)~~ It shall be unlawful for any licensed distributor
172 of malt beverages or any officer, agent, or other representative
173 thereof to discourage or prohibit any brewpub vendor licensed as
174 ~~a manufacturer~~ under this subsection from offering malt
175 beverages brewed for consumption on the licensed premises of the
176 vendor.

177 (h)~~(d)~~ It shall be unlawful for any manufacturer of malt
178 beverages or any officer, agent, or other representative thereof
179 to take any action to discourage or prohibit any distributor of
180 the manufacturer's product from distributing such product to a
181 licensed brewpub vendor ~~which is also licensed as a manufacturer~~
182 ~~of malt beverages~~ pursuant to this subsection.

183 (4) It is the intent of the Legislature that the
184 provisions relating to the sale of malt beverages in a taproom
185 by a malt beverage manufacturer pursuant to s. 561.221(2) (a),
186 and to the sale of alcoholic beverages by a malt beverages
187 manufacturer pursuant to a vendor license issued pursuant to s.
188 561.221(2) (b), and to the operation of a licensed brewpub
189 pursuant to s. 561.221(3) constitute limited exceptions to the
190 manufacturing and vendor licensing requirements of the Beverage
191 Law. Anything not specifically authorized in these provisions
192 shall be prohibited unless otherwise authorized by the Beverage
193 Law.

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

196 561.42 Tied house evil; financial aid and assistance to

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197 vendor by manufacturer, distributor, importer, primary American
198 source of supply, brand owner or registrant, or any broker,
199 sales agent, or sales person thereof, prohibited; procedure for
200 enforcement; exception.-

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

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

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

216 561.5101 Come-to-rest requirement; exceptions; penalties.-

217 (1) For purposes of inspection and tax-revenue control,
218 all malt beverages, except those manufactured and sold pursuant
219 to s. 561.221(2) or (3), must come to rest at the licensed
220 premises of an alcoholic beverage wholesaler in this state
221 before being sold to a vendor by the wholesaler. The prohibition
222 contained in this subsection does not apply to the shipment of

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223 malt beverages commonly known as private labels. The prohibition
224 contained in this subsection shall not prevent a manufacturer
225 from shipping malt beverages for storage at a bonded warehouse
226 facility, provided that such malt beverages are distributed as
227 provided in this subsection or to an out-of-state entity.

228 Section 4. Subsection (6) of section 561.57, Florida
229 Statutes, is amended, to read:

230 561.57 Deliveries by licensees.—

231 (6) Common carriers are not required to have vehicle
232 permits to transport alcoholic beverages. Common carriers shall
233 not make deliveries of malt beverages directly to a consumer.

234 Section 5. Subsections (1) and (3) of section 562.34,
235 Florida Statutes, are amended, to read:

236 562.34 Containers; seizure and forfeiture.—

237 (1) It shall be unlawful for any person to have in her or
238 his possession, custody, or control any cans, jugs, jars,
239 bottles, vessels, or any other type of containers which are
240 being used, are intended to be used, or are known by the
241 possessor to have been used to bottle or package alcoholic
242 beverages; however, this provision shall not apply to any person
243 properly licensed to bottle or package such alcoholic beverages
244 or to any person intending to dispose of such containers to a
245 person, firm, or corporation properly licensed to bottle or
246 package such alcoholic beverages, or to any person that has in
247 her or his possession a growler, as defined in s. 563.06(7).

248 (3) It shall be unlawful for any person to transport any

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249 cans, jugs, jars, bottles, vessels, or any other type of
250 containers intended to be used to bottle or package alcoholic
251 beverages; however, this section shall not apply to any firm or
252 corporation holding a license to manufacture or distribute such
253 alcoholic beverages and shall not apply to any person
254 transporting such containers to any person, firm, or corporation
255 holding a license to manufacture or distribute such alcoholic
256 beverages, or to any person transporting a growler, as defined
257 in s. 563.06(7).

258 Section 6. Paragraph (d) of subsection (14) of section
259 563.022, Florida Statutes, is amended and paragraph (g) is added
260 to that section, to read:

261 563.022 Relations between beer distributors and
262 manufacturers.—

263 (14) MANUFACTURER; PROHIBITED INTERESTS.—

264 (d) Nothing in the Beverage Law shall be construed to
265 prohibit a manufacturer from shipping products to or between its
266 licensed manufacturing premises ~~breweries~~ without a
267 distributor's license. Malt beverages brewed in collaboration
268 between two manufacturers shall be considered products of both
269 manufacturers and may be shipped to the licensed manufacturing
270 premises of either manufacturer pursuant to this section.

271 Section 7. Subsections (1), (6), and (7) of section
272 563.06, Florida Statutes, are amended, to read:

273 563.06 Malt beverages; imprint on individual container;
274 size of containers; growlers; exemptions.—

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275 (1) All ~~On and after October 1, 1959,~~ all taxable malt
276 beverages packaged in individual containers possessed by any
277 person in the state for the purpose of sale or resale in the
278 state, except operators of railroads, sleeping cars, steamships,
279 buses, and airplanes engaged in interstate commerce and licensed
280 under this section, shall have imprinted thereon in clearly
281 legible fashion by any permanent method the word "Florida" or
282 "FL" and no other state name or abbreviation of any state name
283 in not less than 8-point type. The word "Florida" or "FL" shall
284 appear first or last, if imprinted in conjunction with any
285 manufacturer's code. A facsimile of the imprinting and its
286 location as it will appear on the individual container shall be
287 submitted to the division for approval.

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

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

300 (b) Growlers may be filled or refilled with malt beverages

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301 as follows:

302 1. With malt beverages manufactured by the manufacturer
303 who holds a valid manufacturer's license and has a taproom
304 pursuant to s. 561.221(2) (a).

305 2. With malt beverages manufactured by the manufacturer
306 who holds a valid manufacturer's license and a valid vendor's
307 license pursuant to s. 561.221(2) (b).

308 3. With any malt beverages, by a manufacturer who holds a
309 valid manufacturer's license pursuant to s. 561.221(2) and a
310 valid quota license pursuant to ss. 561.20(1) and 565.02(1) (a)-
311 (f).

312 4. With any malt beverages by a vendor who holds a valid
313 quota license pursuant to ss. 561.20(1) and 565.02(1) (a)-(f).

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

316 (d) The container must be clearly labeled as containing an
317 alcoholic beverage and provide the name of the manufacturer, the
318 brand, the volume, the percentage of alcohol by volume, and the
319 required federal health warning notice for alcoholic beverages.

320 If the growler being refilled has an existing label or other
321 identifying mark from a manufacturer or brand, that label shall
322 be covered sufficiently to indicate the manufacturer and brand
323 of the malt beverage placed in the container.

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

325 (f) Licensees authorized to fill growlers may not use
326 growlers for purposes of distribution or sale outside the

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327 manufacturer's or vendor's licensed premises.

328 (8)-(7) Any person, firm, or corporation, its agents,
329 officers or employees, violating any of the provisions of this
330 section, shall be guilty of a misdemeanor of the first degree,
331 punishable as provided in s. 775.082 or s. 775.083; and the
332 license, if any, shall be subject to revocation or suspension by
333 the division.

334 Section 8. Section 563.09, Florida Statutes, is created to
335 read:

336 563.09 Malt beverage tastings by distributors and
337 manufacturers.—A licensed distributor of malt beverages or a
338 manufacturer of malt beverages may conduct a malt beverage
339 tasting subject to the following requirements:

340 (1) Tastings may only be conducted in the interior of a
341 licensed premises authorized to sell alcoholic beverages as
342 follows:

343 (a) By package, if the premises consists of at least
344 10,000 square feet or more of interior space.

345 (b) By package, if the premises is licensed pursuant to s.
346 565.02(1)(a), regardless of the premise's interior square
347 footage.

348 (c) For consumption on the premises.

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

352 (3) Samples may be:

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- 353 (a) No more than three ounces for each product sampled.
- 354 (b) Served in a cup, glass, or other open container.
- 355 (4) The manufacturer or distributor may purchase the malt
356 beverages used in the tastings from the vendor at no more than
357 retail price.
- 358 (5) The manufacturer or distributor conducting the tasting
359 shall:
- 360 (a) Provide all of the malt beverages used for the
361 tasting.
- 362 (b) Not pay a vendor a fee or compensation of any kind,
363 including the provision of any malt beverage at no or reduced
364 cost.
- 365 (c) Be responsible for applicable reports and shall pay
366 applicable excise taxes thereon to the division. If the
367 manufacturer or distributor contracts with a third-party to
368 conduct the tasting, the manufacturer or distributor remains
369 responsible for the recordkeeping requirements and excise tax
370 payments.
- 371 (d) Properly dispose of malt beverages provided for the
372 tastings which remain unconsumed after the tasting.
- 373 (6) This paragraph does not preclude a vendor from
374 conducting a malt beverage tasting on its licensed premises
375 using malt beverages from its own inventory.
- 376 (7) This section is supplemental to and does not supersede
377 any special act or ordinance.

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378 Section 9. If a provision of s. 561.221(2), Florida
379 Statutes, as amended by this act is held invalid, or if the
380 application of this subsection to any person or circumstance is
381 held invalid, the invalidity does not affect other provisions or
382 applications of the act which can be given effect without the
383 invalid provision or application, and to this end s. 561.221(2),
384 Florida Statutes, is severable.

385 Section 10. This act shall take effect July 1, 2014.

386

387

388

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

390 Remove everything before the enacting clause and insert:

391 A bill to be entitled

392 An act relating to malt beverages; amending s. 561.221, F.S.;

393 clarifying malt beverage three-tier system exceptions and

394 application; setting requirements and parameters for

395 manufacturers obtaining vendor's licenses; providing a

396 definition; amending s. 561.42, F.S.; deleting the prohibition

397 against manufacturers and distributors conducting tastings;

398 amending s. 561.5101, F.S.; updating a cross-reference; amending

399 s. 561.57, F.S.; providing that common carriers are not

400 permitted to make deliveries of malt beverages to consumers;

401 amending s. 562.34, F.S.; providing that possessing and

402 transporting growler containers is lawful; amending s. 563.022,

403 F.S.; clarifying the treatment of malt beverages brewed in

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COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB BPRS 14-02 (2014)

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404 collaboration between two manufacturers; amending s. 563.06,
405 F.S.; providing a definition; setting requirements for growlers;
406 creating s. 563.09, F.S.; allowing malt beverage tastings to be
407 conducted by manufacturers and distributors with limitations;
408 providing severability; providing an effective date.

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