

**HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS**

**BILL #:** CS/HB 583 Individual Wine Containers

**SPONSOR(S):** Regulatory Reform & Economic Development Subcommittee, LaMarca and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 1134

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**FINAL HOUSE FLOOR ACTION:** 118 Y's      0 N's      **GOVERNOR'S ACTION:** Approved

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**SUMMARY ANALYSIS**

CS/HB 583 passed the House on February 22, 2024, and subsequently passed the Senate on March 5, 2024.

In Florida, the Beverage Law regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors. The Division of Alcoholic Beverages and Tobacco in the Department of Business and Professional Regulation administers and enforces the Beverage Law.

Current law addressing limitations on the size of individual wine containers provides the following:

- The sale of wine in an individual container that holds more than one gallon of wine is prohibited.
- Wine may be sold in a reusable container of 5.16 gallons.
- Distributors and manufacturers are allowed to sell wine to other distributors and manufacturers in containers of any size.
- Except for restaurants in certain situations, wine sold or offered for sale by a licensed vendor to be consumed off the premises must be in the unopened original container.
- Violations are a second-degree misdemeanor.

The bill provides an exception to the limitations on the size of individual wine containers by allowing the sale of wine in a glass container holding 4.5 liters, 6 liters, 9 liters, 12 liters, or 15 liters.

The bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on March 28, 2024, ch. 2024-45, L.O.F., and will become effective on July 1, 2024.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Current Situation

##### **Beverage Law**

In Florida, the Beverage Law<sup>1</sup> regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.<sup>2</sup> The Division of Alcoholic Beverages and Tobacco (Division) in the Department of Business and Professional Regulation (DBPR) administers and enforces the Beverage Law.<sup>3</sup>

“Alcoholic beverages” are defined as “distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.” “Malt beverages” are brewed alcoholic beverages containing malt.<sup>4</sup>

The license and registration classifications used in the Beverage Law include the following:

- “Manufacturers” are those “licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.”
- “Distributors” are those “licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.”
- “Importers” are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state.<sup>5</sup>
- “Vendors” are those “licensed to sell alcoholic beverages at retail only” and may not “purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law.”<sup>6</sup>

##### **Wine Container Limitations**

“Wine” is defined as 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.<sup>7</sup>

Current law governing limitations of the size of wine containers:<sup>8</sup>

- Prohibits the sale of wine in an individual container that holds more than one gallon. However, allows wine to be sold in a reusable container of 5.16 gallons.
- Authorizes qualified distributors and manufacturers to sell wine to other qualified distributors and manufacturers in any size container.<sup>9</sup>

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<sup>1</sup> Section 561.01(6), F.S., provides that the “The Beverage Law” includes chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

<sup>2</sup> See s. 561.14, F.S.

<sup>3</sup> S. 561.02, F.S.

<sup>4</sup> S. 563.01, F.S.

<sup>5</sup> S. 561.01(5), F.S.

<sup>6</sup> S. 561.14, F.S.

<sup>7</sup> S. 564.01(1), F.S.

<sup>8</sup> S. 564.05, F.S.

<sup>9</sup> *Id.*

- Except for restaurants in certain situations,<sup>10</sup> requires wine sold or offered for sale by a licensed vendor to be consumed off-premises to be in the unopened original container.
- Provides that violations are a second-degree misdemeanor, punishable by a maximum \$500 fine<sup>11</sup> and 60 days in prison.<sup>12</sup>

### **Effect of the Bill**

The bill provides an exception to the limitations on the size of individual wine containers by allowing the sale of wine in a glass container holding 4.5 liters, 6 liters, 9 liters, 12 liters, or 15 liters.

The bill provides an effective date of July 1, 2024.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill relaxes the limitation on the size of individual wine containers. This may have a positive fiscal impact on businesses that sell wine.

### **D. FISCAL COMMENTS:**

None.

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<sup>10</sup> The exception allows restaurant patrons to leave the premises with “one unsealed bottle of wine for consumption off the premises,” provided certain conditions are met. The wine bottle must be partially consumed with a full course meal, securely resealed by the licensee or one of its employees, secured in a bag or container, wrapped in a way that shows it was previously opened, attached to a dated receipt indicating the full course meal, and transported in a locked vehicle glove compartment, locked trunk, or behind the last upright seat of a motor vehicle that is not equipped with a trunk. Section 564.09, F.S.

<sup>11</sup> S. 775.083(1)(e), F.S.

<sup>12</sup> S. 775.082(4)(b), F.S.