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BARTENDERS TO WATCH

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READ UP, TO PREVENT COMMON SLIP-UPS

BY JOHN HARRIS AND HANNAH BECKER

Without a doubt, summer days have a tendency to slow our usual hurried pace down to a more relaxed mode. While this is all good and beneficial mentally and physically, summer is not the time to let your guard down, especially if you operate a beverage alcohol establishment. After all, compliance and regulation laws remain in force each and every day. With that said, we've decided some good summer reading is to make clear two areas that can be confusing for licensees – the Responsible Vendor Act and Beverage Alcohol Catering License Laws.

The Advantages of Being a 'Responsible Vendor'

The busy holiday season is quickly approaching. This means it's time for beverage alcohol licensees to educate and review best practices and policies with their employees. One policy in particular is preventing employees from failing to properly verify that all patrons purchasing or consuming beer, wine, and spirits at the licensed premises are at least 21 years old. This age verification responsibility lies squarely on both the licensed retailer and the retail establishment's employees.

Florida does not have a mandatory requirement for responsible alcohol vendor training, but retailers have the opportunity to safeguard their licensed businesses against criminal liability and administrative penalties by becoming a "responsible vendor."

The Florida Responsible Vendor Act ("Act"), as codified in sections 561.701 through 561.706 of the Florida Statutes, provides voluntary guidelines intended

to eliminate the sale of alcohol to underage consumers, reduce intoxication-related accidents, injuries, and deaths, and encourage retailers to promote professionalism and responsibility amongst its employees and agents when selling and serving alcohol beverages.

To qualify as a "responsible vendor" under the Act, a retailer must provide an alcohol training course for both management and employees; managers are to complete the manager-training within 15 days of being hired and each non-managerial staff employee who handles alcohol in any way must complete the staff-training within 30 days of being hired. These training courses must cover specifically-stated topics as outlined in the Act, which include:

- Florida alcohol laws and regulations;
- How to spot underage patrons and properly check IDs;
- The effects of alcohol on the body and mental abilities;
- The dangers of drinking and driving; and
- The consequences to the employee and the establishment in the event of violating certain alcohol beverage violations, relating to the sale or service to an underage person.

The Act also requires the retailer to hold employee meetings every four (4) months to review the safe service of alcohol topics, post clearly visible signs on the premises stating their policy against serving underage or over-intoxicated patrons, and maintain records of the trainings for all active employees. Additional specific statutory qualification requirements are

laid out in section 561.705 of the Florida Statutes, and we encourage you to discuss these requirements with your counsel who specializes in alcohol beverage laws and regulations.

Under Florida beverage laws, if a retailer's employee sells, serves, or allows the consumption of alcohol beverages at the licensed premises to or by an underage person, the licensed retailer and/or its employee have committed a criminal offense (second degree misdemeanor).

There are also administrative penalties for selling or serving alcohol beverages to an underage person, which include a \$1,000 fine and 7-day license suspension for a first offense, a \$3,000 fine and 30-day suspension for a second offense, and license revocation for a third offense within a three (3) year period. These same administrative penalties and criminal liability charges apply to violations committed by the retailer's employee or agent while conducting a beverage/alcohol delivery off the licensed premises to an underage consumer.

The benefits of complying with the responsible practices in accordance with the Act include: exemption from license suspension or revocation, mitigation or reduction of penalties for certain alcohol beverage violations relating to the sale or service to an underage person, and a possible reduction in liquor liability insurance premiums.

Operating a licensed beverage retail business in accordance with the Act should be a key part of any licensees' risk management plan, to ensure long-term success. When issued a Florida alcohol beverage retail license, one of the key duties attached to the license is the supervi-

NEWS ROUNDUP



Southern Glazer's Wine & Spirits ("Southern Glazer's") has appointed Patrick Cassidy to the position of Executive Vice President, General Manager of Florida. In this role, Cassidy will be responsible for the company's performance in the state of Florida, and will report directly to Gene Sullivan, whom Cassidy replaces and who was recently promoted to President, East Region for Southern Glazer's.

Fine wine importer Opici Wines welcomes Vinosia Aziende Agricole from Campania to its growing Italian portfolio. The launch will be backed by a multi-year sales and marketing plan. Vinosia is a collection of seven wines, each showcasing Campania's native vines. The winery was established in 2004 by owner/winemaker Luciano Ercolino. All vineyards are in the process of transitioning to organically grown fruit, with certification expected in 2020. Opici Wines is pleased to be the exclusive carrier of Vinosia Aziende Agricole wines.



Michael David Winery has announced a refreshed label for the Petite Petit 2016 vintage. The new 2016 label brings Petite Petit closer to the Freakshow brand by design, with a new circus tent and updated colors. Like its name implies, the wine is a blend of 85% petite syrah and 15% petit verdot. The 2016 Petite Petit



label refresh joins the cast of characters in the Michael David Winery portfolio including Freakshow, Inkblot, 7 Deadly, Rapture, Earthquake and Michael David Wines. Petite Petit retails for \$18 and is available nationwide.

Corazón Tequila is offering retailers the unique opportunity to select customized barrels of tequila. Retailers may select Corazón tequila aged in bourbon barrels that once held award-winning bourbons made at Buffalo Trace Distillery and Barton 1792 Distillery. The end product is a one-of-a-kind tequila. The customized tequila is hand-bottled with a premium neck hanger that features the barrel purchaser's own logo, along with the specific details of the barrel. The average barrel yields 35-40 cases of 750ml bottles, packed six to a case. The suggested retail price per bottle of the Single Barrel Reposado is \$40 and the Single Barrel Añejo is \$45. For more information about selecting a personalized Corazón Tequila Single Barrel, visit www.singlebarrelselect.com.

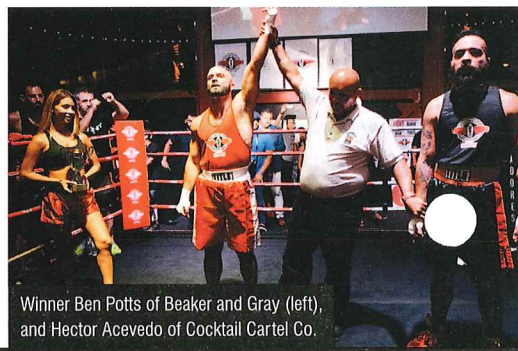
The Tank Brewing Co. is bottling one of their core brews to be sold at local retailers across South Florida. The Freedom Tower Amber Ale is part of Tank Brewing's lineup of core beers, which launched back in 2016 along with La Finca Miami and El Farito IPA. The brew has become a staple at more than 250 South Florida bars and restaurants and is now available off-premise. The Tank's beers take their inspiration from Miami's unique culture and local flavors. Freedom Tower Amber ale features malty caramel flavors with subtle hints of stone fruit.

In 2014, Hot Tub Scholarship Lager began as a campaign to raise money for college students. Since its inception, Rogue Ales & Spirits has donated a portion of the sales of Hot Tub Scholarship Lager to the Jack Joyce Scholarship Fund, which was established in honor of the late founder of

Rogue Ales & Spirits, to help students at Oregon State University's Fermentation Science program pay for their education. In total, the Jack Joyce Scholarship has awarded \$245,000 to 21 future fermenters. The beer's name and the can design is inspired by what Jack Joyce and one of the first winners of the scholarship had in common: an affinity for a good soak in a hot tub. Hot Tub Scholarship Lager is now available in 6-pack, 12 ounce cans and on draft through October.

Heroes Vodka and American Freedom Fund (AFF) have partnered to empower Veterans across America through athletic, educational, and advocacy programs. The Heroes Vodka mission is to provide exceptional taste and superior value to consumers, while honoring Veterans and other American service organizations through charitable contributions. Since distribution began in 2012, Heroes Vodka has given back more than \$80,000 to assistance programs for American Veterans, active duty military, and their families.

Tequila Cazadores has partnered with non-profit sporting association, The Bartender Boxing Organization ("BBO"), to sponsor a second nationwide series of Bartender Boxing matches. Included on the tour this year is Miami area bartenders. The organization promotes the health and well-being of workers in the hospitality industry. In addition to their ongoing commitment to wellness, donations from the matches will go to the non-profit organization, can-do.org, in an effort to aid the charity's community project efforts across the country. ■



Winner Ben Potts of Beaker and Gray (left), and Hector Acevedo of Cocktail Cartel Co.

sion of retail employees, agents, servants, and patrons to guarantee compliance with all federal, state, and local alcohol beverage laws, rules, and ordinances.

Any alcohol beverage violation committed by a retailer's employee or agent, in the scope of their employment or agency, jeopardizes the retailer's alcohol beverage license and licensed retail business. While being a "responsible vendor" in Florida is not mandatory, isn't it worth the time, money, and training, to operate with an attitude of professionalism and responsibility?

The Catering License Confusion Stops Here

The Florida Division of Alcoholic Beverages & Tobacco ("the Division") has recently focused its enforcement actions, including business record audits, on licensed alcohol beverage caterers, Quota Licensees and Type 13CT Catering Licensees. All Florida-licensed caterers and other businesses that hire licensed caterers should be aware of Florida alcohol beverage caterer-specific laws, as amended by the 2017 Legislature, to ensure catering business activities are being conducted in a compliant manner.

If you are engaged in the business of catering alcohol beverages, we encourage you to discuss catering regulatory compliance matters with your counsel specializing in alcohol beverage laws because every catering business model is unique. Some catering businesses are not required to hold a Florida-issued alcohol beverage license, while other catering businesses are required to hold a Quota License or a 13CT Catering License.

In general, caterers who sell and serve alcohol beverages must comply with the following requirements:

- A 13CT Catering Licensee must also be licensed by the Division of Hotels & Restaurants under Chapter 509 of the Florida Statutes; therefore, if licensed as a food service establishment by any other agency, such business does not qualify for a 13CT Catering License.

- All 13CT Catering Licensees must derive at least 51% of its gross revenues from the service of food and non-alcoholic beverages at each catered event.
- 13CT Catering Licensees can only serve/sell alcohol beverages for consumption at the catered event; the sale of alcohol beverages for off-premises consumption is prohibited.
- 13CT Catering Licensees must provide prepared food at any catered event at which alcohol beverages are being sold.
- 13CT Catering Licensees must purchase all alcohol beverages for catered events from retail package stores licensed to sell beer or wine (1-APS or COP Licensees or 2-APS or COP Licensees) or beer, wine, and distilled spirits (3-PS or 4COP Quota Licensees).
- All unused alcohol beverages purchased by the 13CT Catering Licensee must be left with the host of the catered event after the event, or, if the licensed retail package store has agreed to accept returns of unopened alcohol beverages, the 13CT Catering Licensee may return the purchased beverages for credit or reimbursement.
- 13CT Catering Licensees cannot store any alcohol beverages to be sold or used at any catered events.
- 13CT Catering Licensees must keep all records and receipts for each catered event for at least three (3) years, including all catering contracts, catered event customer names and locations of catered events, food purchases and sales, alcohol beverage purchases and sales, and any other records required by the Division as proscribed in an administrative rule. (As of today, the Division has not published any administrative rule implementing the Catering Law, as

codified in section 561.20(2)(a)5 of the Florida Statutes).

- Any retailer holding a Quota License under section 565.02(1) of the Florida Statutes is not required to also hold a 13CT Catering License to cater events if the alcohol beverages are sold and served off the retailer's licensed premises and the food is provided by a food caterer licensed by the Division of Hotels & Restaurants.
- Neither a Quota Licensee and 13CT Catering Licensee may cater any alcohol beverage type that is not authorized to be sold at its customer's selected retail establishment; for example, a licensed caterer cannot sell or serve spirits at an event hosted at a retail establishment that is only licensed to sell and serve beer and wine.
- A catering license may not be required if the catered event is occurring at a licensed premises and the licensed retailer is catering the event; e.g., a hotel holding an alcohol retail license is not required to obtain and hold any type of catering license in order to cater events on its licensed premises if the area where the catered event occurs is within the hotel's licensed premises.
- A catering license may not be required if alcohol beverages are given away free of charge at the event (provided that the alcohol beverages are not sold to consumers as defined in section 561.01(9) of the Florida Statutes).

Summertime in Florida is full of catered events, and we emphasize the importance of ensuring that your catering business or hired catering business complies with Florida Beverage Laws. The penalty for a violation under the Catering Law is a \$1,000 fine and license revocation. ■

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