

SB142: What Would Its Passage Mean for Florida's Alcohol Beverage Industry?

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Legislators have begun filing alcohol beverage related bills for the 2021 Session. One of the bills that has been filed is Senate Bill 142 by Senator Jeff Brandes. This bill, if passed, will change the current state policies related to wine and cider size limitations, wine-to-go at restaurants, and Florida craft distilleries. A summary of the changes in state policy this bill addresses includes:

- Repeals wine and cider size restrictions making it possible for FL licensed wholesalers and retailers to sell wine in any size in compliance with federal wine and cider approved sizes so that the state and federal government are in consistent on container sizes for wine and cider
- The current “wine-to-go” (resealed bottles of wine) state policy restricts consumers from leaving a restaurant with a partially consumed container of wine unless they have ordered a full course meal. This bill removes the requirement of a full course meal order and just requires the wine served with a meal, recorked before the customer leaves
- A number of changes for craft distilleries:
 - Maximum production of distilled spirits is raised from 75,000 gallons a calendar year to 250,000 gallons per calendar year
 - Craft distilleries may continue to sell to consumers factory sealed containers of distilled spirits produced at the craft distillery, but there would no longer be quantity limitations on the number of containers a consumer may purchase in face to face transactions at the craft distillery
 - The state’s policy regarding craft distilleries selling and shipping distilled spirits produced at each craft distillery to out of state consumers in compliance with the receiving state’s alcohol beverage regulations and the purpose is limited to personal consumption and not reselling such products
 - Craft distilleries may only transfer up to 75,000 gallons of distilled spirits it produces to its souvenir gift shop for package sales under its craft distillery license
 - Craft distilleries may qualify for any type of vendor license at its craft distillery premises
 - Craft distilleries may qualify for a newly created special permit to sell their products at fairs, trade shows, expositions, and festivals

Initially, proposed legislation takes the form of a bill filed by a legislator in either the Senate or House. A companion bill with identical language typically moves through the other house simultaneously. The bill is assigned to various committees for hearings, and public and/or state agency comment periods provide an opportunity for input where the bill may be amended or stopped entirely. The bill, if passed by all assigned committees, is scheduled for debate on the floor of the Senate and House. The bill must be passed by both houses or it fails. The passed bill is transmitted to the Governor for approval or veto.

If passed, SB 142 will take effect July 1, 2021. For more information regarding this newly introduced legislation, reach out to GrayRobinson's Nationwide Alcohol Beverage Team.