

Ken Lawson, Secretary

Rick Scott, Governor

INFORMATIONAL BULLETIN 2016-001

NOTICE: *When necessary, the Division of Alcoholic Beverages and Tobacco prepares informational bulletins on topics of common public interest and matters of regulatory significance for informational purposes only. Information presented in this Informational Bulletin is not intended to create or modify the Division's requirements or procedures as established in the Florida Beverage Law and the Florida Administrative Code. All actions taken by the Division are based on provisions of Florida law in effect at the time the action is taken by the Division. Applicants, licensees, and other interested parties are advised that any Florida law or regulation cited or reproduced for reference herein may have been modified subsequent to the preparation of this document, and accordingly, are encouraged to review current Florida laws and regulations and seek independent counsel if necessary regarding matters regulated by the Division. For inquiries related to subjects addressed in this Informational Bulletin or related matters, please contact the Division's local licensing office in your area: <http://www.myfloridalicense.com/dbpr/abt/contact.html>.*

DATE

Informational Bulletin 2016-001 is based on information available as of February 25, 2016.

SUBJECT

Informational Bulletin 2016-001 relates to the manufacturing of cider or mead in Florida.

SCOPE

Informational Bulletin 2016-001 addresses the following matters related to the manufacturing of cider or mead in Florida:

- Current authority for manufacturing cider or mead under the Florida Beverage Law
- Licenses required for the manufacturing of cider or mead under the Florida Beverage Law
- Excise taxes applicable to cider or mead under the Florida Beverage Law

APPLICABLE LAWS/RULES

Florida Statutes (2015)

- Sections 564.02, 564.05, 564.06(1), and 564.06(4), Florida Statutes

SUMMARY

Cider is a beverage created most commonly by fermenting the juice of apples and may include flavored, sparkling, or carbonated cider varieties. Pear cider is a beverage created most commonly by fermenting the juice of pears and may include flavored, sparkling, or carbonated cider varieties. Mead is wine produced through fermentation of honey.

Cider and mead are regulated pursuant to chapter 564, Florida Statutes. In order to manufacture cider or mead in Florida, a person must apply for and obtain a wine manufacturer license (AMW license) pursuant to section 564.02, Florida Statutes. At retail, cider or mead are authorized for sale by any person licensed as a vendor whose license allows for, at a minimum, the sale of wine. A manufacturer of malt beverages holding a CMB license in Florida is eligible to simultaneously hold an AMW license, and when licensed as both, may manufacture malt beverages, cider, and mead at the same licensed location. Cider and mead offered for sale for off-premises consumption must be packaged in containers in accordance with section 564.05, Florida Statutes, and may not be filled in growlers by any vendor at the point of sale.

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FREQUENTLY ASKED QUESTIONS

1. What type of alcoholic beverage is cider or mead considered under Florida’s Beverage Law?

Both beverages are categorized as wine under the Florida Beverage Law. However, the beverages are taxed at separate rates as outlined in question 5 below.

2. Which license type is needed to manufacture cider or mead in Florida?

In order to manufacture cider or mead, a person must apply for and obtain from the Division a wine manufacturer license, or AMW license, pursuant to section 564.02, Florida Statutes.

3. Can a CMB license (manufacturer of malt beverages) also manufacture cider or mead under the CMB license?

No, a CMB license is issued only to a manufacturer engaged in the business of brewing only malt beverages. An AMW license is required to manufacture cider or mead. A CMB licensee may obtain and simultaneously operate an AMW license for the production of cider or mead at the same location as malt beverages are produced under the CMB license.

4. Which types of vendor licenses are allowed to sell cider or mead?

Cider or mead may be sold by any vendor license which permits the sale of wine. Commonly, these licenses include:

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|-----------------------------|------------------------------|
| 2APS | 2COP |
| 3APS, 3BPS, 3CPS, 3DPS, 3PS | 4COP, 5COP, 6COP, 7COP, 8COP |
| SR | SRX |
| Caterer | Special Hotel |
| Special Hospital | Special Horse Breeders |
| Special Bowling Alley | Special Boats |
| Special Airport | Special Civic Center |
| Special County Commissioner | Special Act |

5. Is alcoholic beverage excise tax applicable to cider or mead? What is the excise rate applicable to cider or mead?

Section 564.06(4), Florida Statutes, establishes the excise tax rate for cider. Ciders containing not less than one-half of 1 percent of alcohol by volume and not more than 7 percent of alcohol by volume are taxed at \$0.89 per gallon.

Pear cider and mead are subject to the standard wine excise tax in section 564.06(1), Florida Statutes, which is \$2.25 per gallon. Any pear cider which is derived, in part, from an apple ingredient is subject to the excise tax of \$0.89 per gallon in section 564.06(4), Florida Statutes.

6. Which licensees are responsible for reporting and remitting excise taxes due on cider or mead in Florida? How is the applicable excise tax reported and remitted by the licensee?

Manufacturers, under certain circumstances, and distributors are responsible for remitting excise taxes on these beverages pursuant to section 561.50, Florida Statutes. The excise tax is computed from the records of the manufacturer or distributor. The records and the amount computed must be remitted to the Division by the 10th day of each calendar month.

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7. Is a vendor licensed for the sale of wine authorized to fill growlers with cider or mead for off-site consumption?

No. Section 563.06(7), Florida Statutes, authorizes certain vendors to fill or refill growler containers at the point of sale with malt beverages only. Accordingly, growlers may not be filled with cider or mead by any vendor. Pursuant to section 564.05, Florida Statutes, licensed vendors selling wine products for off-premises consumption must offer the wine for sale in the unopened original container, which may contain no more than one gallon unless packaged in a reusable container holding 5.16 gallons.

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