



2026 Legislative Talking Points

HB 1137/SB 678 – Deductions for Certain Losses of Alcoholic Beverages

Rep. Will Robinson (R-Bradenton)/Sen. Debbie Mayfield (R-Melbourne), Sen. Don Gaetz (R-Pensacola)

Authorizes certain excise tax deductions for unsalable alcoholic beverages and sets procedures for documenting extraordinary losses.

- Allows monthly excise tax deductions for vinous, spirituous, or malt beverage losses due to breakage, spoliation, evaporation, or expiration at specified percentage rates or actual gallonage in the case of malt beverages.
- Requires official documentation or witness verification of breakage or spoliation and provides an annual method for calculating malt beverage losses.
- Defines and excludes extraordinary losses from standard deductions, requiring immediate notice to the division and providing detailed steps to claim excise tax deductions for such losses.
- Mandates proof of unsalable product destruction or recycling, along with evidence that the distributor did not recover the excise tax from any other source.
- Grants authority to the Division of Alcoholic Beverages and Tobacco to adopt rules and retain relevant documentation for a specified period. Is retroactive to January 1, 2025.
- FBWA **supports** this bill. The rule which allowed for these deductions was nullified as a matter of law and therefore we need to pass this bill to ensure that distributors can take deductions for loss moving forward.

HB1155 – Beverage Law

Rep. Brad Yeager

Allow certain small malt beverage manufacturers to sell directly to vendors and revise rules for terminating distribution agreements.

- Authorizes manufacturers producing under 31,000 gallons of malt beverages annually to sell and deliver directly to vendors.
- Permits a manufacturer under the 31,000-gallon threshold to terminate, cancel, nonrenew, or discontinue a franchise agreement under specific notice requirements.
- Clarifies that such termination do not violate unlawful acts provisions and do not require compensation to distributors.
- Authorizes the Division of Alcoholic Beverages and Tobacco to verify production amounts and issue binding certifications.
- Updates cross-references to align with the new termination provision.
- FBWA **opposes** this bill due to the changes this makes to beverage law, including the lack of accountability for craft brewers and the impairment to private contracts. This is a clear attempt to expand the several exceptions craft brewers have already received. There is no Senate companion.



HB 1537/SB 1740 – Beverage Law/Craft Brewing

Rep. Jon Albert (R-Winter Haven)/Sen. Keith Truenow (R-Tavares)

Authorizes craft breweries to conduct tastings and sales at specified events, remove certain brewer bonding requirements, adjust license tax thresholds, and establish procedures for contract brewing and alternating proprietorships.

- Allows craft breweries producing fewer than 60,000 barrels per year to offer tastings and sales at fairs, trade shows, farmers markets, expositions, and festivals, subject to an event-specific permit and brewery representative on-site.
- Deletes the requirement for manufacturers (brewers) to file a surety bond, retaining the bond requirement only for distributors.
- Revises the threshold for the reduced license tax to breweries producing fewer than 60,000 barrels annually.
- Creates a new section outlining contract brewing and alternating proprietorship rules, including recordkeeping, reporting, and tax responsibilities, and prohibiting manufacturers or vendors licensed under s. 561.221(3) from engaging in these activities.
- FBWA **opposes** this bill. This is another attempt by the craft breweries to change the law despite knowing what was required and expected of them when they entered the business. Allowing craft breweries to do tastings and sales at events without there being a definition of craft brewery is a slippery slope. Also, allowing craft breweries to conduct business without a bond requirement could leave the state in a precarious position.

HB 801/SB 1678 – Sale of THC-Infused Beverages

Rep. Robbie Brackett (R-Vero Beach)/Sen. Keith Truenow (R-Tavares)

Authorizes the Division of Alcoholic Beverages and Tobacco to issue a special license for the retail sale of THC-infused beverages and restricts such sales to licensed entities.

- Creates a special license for retail sale of THC-infused beverages
- Requires holding a quota or special license to sell THC-infused beverages
- Prohibits sale or distribution by unlicensed individuals or entities
- Establishes penalties mirroring those for unlicensed sale of alcoholic beverages
- Defines “THC-infused beverage” for regulatory purposes
- FBWA **supports** this bill but is continuing to work with the sponsors to ensure the bill is more effective in regulating THC-infused beverages.

HB 87/SB 392 – Issuance of Special Beverage Licenses

Rep. Robbie Brackett (R-Vero Beach)/Sen. Tom Leek (R-St. Augustine)

Allows smaller restaurants to secure a special beverage license by reducing the required square footage and patron capacity thresholds.

- Reduces the minimum required service area square footage from 2,000 to 1,200.
- Decreases the required seating capacity from 120 to 80.
- FBWA is **neutral** on this bill at present, though we would prefer the current law to remain in place, as it has only been law for a little more than a year.



HB 1409/SB 1368 – THC

Rep. Kim Berfield (R-Clearwater)/Sen. Daryl Rouson (D-St. Petersburg)

Prohibits the possession, consumption, and distribution of THC-infused beverages under specified conditions.

- Expands open container rules to prohibit THC-infused beverages in vehicles or when seated in or on a parked or stopped vehicle on a road.
- Authorizes local governments to adopt stricter ordinances on open container possession of THC-infused beverages.
- Excludes THC-infused beverages from the definition of “food” while adding “consumable THC products” in s. 500.03.
- Establishes new s. 581.218 to define THC-infused beverages and ban their sale, possession, or consumption by individuals under 21.
- Bars THC-infused beverages from containing alcoholic or intoxicating ingredients and prohibits retail sales within 500 feet of schools or day care facilities.
- Requires in-person retail transactions, disallows direct delivery to consumers, and prevents retail licensees from holding distributor or manufacturing permits for THC-infused beverages.
- Mandates that only licensed distributors may supply these beverages, subjects distributors to taxation, and imposes strict rules on financial arrangements with retailers.
- Enforces civil penalties for violating the new requirements, ranging from \$1,000 to \$10,000.
- FBWA **supports** this bill. It is a good attempt to incorporate a three-tier model in regulating intoxicating hemp beverages.

SB 1270 – Food and Hemp Products

Sen. Tracie Davis (D-Jacksonville)

Establishes new restrictions and guidelines for the manufacture, sale, and distribution of hemp extract products.

- Updates definitions for hemp, hemp extract, and “attractive to children,” and creates a definition for total delta-9-tetrahydrocannabinol concentration.
- Requires certificates of analysis, specific packaging and labeling standards, and additional health and safety conditions for hemp extract products before distribution or sale.
- Prohibits unpermitted businesses, street, or festival sales of hemp extract, bans possession of products appealing to children, and restricts the location of businesses selling hemp extract.
- Requires department preapproval of advertisements, imposes stringent recordkeeping and recall procedures, and mandates that products be kept under secure storage.
- Subjects businesses and food establishments selling hemp extract to random, unannounced inspections and prohibits hemp or hemp extract for smoking, and



authorizes license revocation upon repeated offenses and disallows event organizers from hosting events where noncompliant products are sold.

- Appropriates funds for the Department of Law Enforcement to purchase testing equipment necessary for these regulatory changes.
- FBWA **supports** all efforts to regulate intoxicating hemp products. There is no House companion, so this likely will not be the vehicle used to do so, but we are always going to work with members who want to pass strong regulation of these products.