



605768

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Commerce and Tourism (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 70 - 123

and insert:

(b) A licensed distillery or craft distillery may ~~Persons licensed under this section who are in the business of distilling spirituous liquors may also~~ engage in the business of rectifying and blending spirituous liquors without the payment of an additional license tax.

(c) A craft distillery licensed under this section which is



605768

11 not licensed as a vendor under s. 561.221 may sell to consumers
12 under its craft distillery license, at its souvenir gift shop,
13 up to 75,000 gallons per calendar year of branded products
14 ~~distilled on its premises in this state~~ in factory-sealed
15 containers that are filled at the distillery for off-premises
16 consumption by consumers. Such sales are authorized only on
17 ~~private~~ property owned or leased by the craft distillery which
18 is contiguous to the craft distillery's licensed ~~distillery~~
19 premises approved by the division ~~in this state and included on~~
20 ~~the sketch or diagram defining the licensed premises submitted~~
21 ~~with the distillery's license application. All sketch or diagram~~
22 ~~revisions by the distillery shall require the division's~~
23 ~~approval verifying that the souvenir gift shop location operated~~
24 ~~by the licensed distillery is owned or leased by the distillery~~
25 ~~and on property contiguous to the distillery's production~~
26 ~~building in this state.~~

27 1. A craft distillery may not sell under its craft
28 distillery license any factory-sealed individual containers of
29 spirits to consumers in this state except in face-to-face sales
30 transactions with such consumers at the craft distillery's
31 licensed premises. Such containers must be in compliance with
32 the container limits in s. 565.10 ~~who are making a purchase of~~
33 ~~no more than six individual containers of each branded product.~~

34 ~~2. Each container sold in face-to-face transactions with~~
35 ~~consumers must comply with the container limits in s. 565.10,~~
36 ~~per calendar year for the consumer's personal use and not for~~
37 ~~resale and who are present at the distillery's licensed premises~~
38 ~~in this state.~~

39 ~~2.3.~~ A craft distillery must report to the division within



605768

40 5 days after it reaches the production limitations provided in
41 paragraph (1)(b). Any retail sales to consumers under its craft
42 distillery license at the craft distillery's licensed premises
43 are prohibited beginning the day after it reaches the production
44 limitation.

45 3.4. A craft distillery that has not been issued a vendor's
46 license under s. 561.221 may not ship or arrange to ship any of
47 its distilled spirits to consumers in this state and may sell
48 and deliver only to consumers within the state in a face-to-face
49 transaction at the distillery property. However, a craft
50 distillery distiller licensed under this section may ship,
51 arrange to ship, or deliver such spirits to manufacturers of
52 distilled spirits, wholesale distributors of distilled spirits,
53 state or federal bonded warehouses, ~~and~~ exporters, or consumers
54 located outside of the state; however, all such shipments must
55 comply with the laws where such products are scheduled to be
56 delivered for personal or commercial use.

57 4.5. Except as provided in subparagraph 6., it is unlawful
58 to transfer a distillery license for a distillery that produces
59 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled
60 spirits on its premises or any ownership interest in such
61 license to an individual or entity that has a direct or indirect
62 ownership interest in any distillery licensed in this state;
63 another state, territory, or country; or by the United States
64 government to manufacture, blend, or rectify distilled spirits
65 for beverage purposes.

66 5.6. A craft distillery shall not have its ownership
67 affiliated with another distillery, unless such distillery
68 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of



605768

69 distilled spirits on each of its premises in this state or in
70 another state, territory, or country.

71 6. A craft distillery may transfer up to 75,000 gallons per
72 calendar year of distilled spirits that it manufactures from its
73 federal bonded space, nonbonded space at its licensed premises,
74 or storage areas to its souvenir gift shop.

75 (5) A craft distillery transferring distilled spirits to
76 its retail areas pursuant to paragraph (2) (c) or s. 561.221
77 ~~making sales under paragraph (2) (c)~~ is responsible for
78 submitting any excise taxes due to the state on distilled
79 spirits on beverages under the Beverage Law with in its monthly
80 report to the division ~~with any tax payments due to the state.~~

81 Section 5. Subsection (4) is added to section 561.221,
82 Florida Statutes, to read:

83 561.221 Licensing of manufacturers and distributors as
84 vendors and of vendors as manufacturers; conditions and
85 limitations.-

86 (4) (a) Notwithstanding s. 561.22, s. 561.42, or any other
87 provision of the Beverage Law, the division may issue vendor's
88 licenses for the sale of alcoholic beverages:

- 89 1. On a distillery's licensed premises;
90 2. On a seaport facility's premises; or
91 3. At an airport terminal, as defined in s. 561.01(13)

92
93 to a distillery licensed under s. 565.03, even if such
94 distillery is also licensed as a distributor.

95 (b) If the vendor's license is for the sale of alcoholic
96 beverages on a distillery's licensed premises, the licensed
97 vendor premises must be included on the sketch or diagram



605768

98 defining the licensed premises submitted with the distillery's
99 license application pursuant to s. 565.03(c). All sketch or
100 diagram revisions by the distillery must be approved by the
101 division, verifying that the vendor premises operated by the
102 licensed distillery is owned or leased by the distillery and is
103 located on the licensed distillery premises.

104 (c) A distillery possessing a vendor's license under this
105 subsection may not make deliveries as otherwise allowed under s.
106 561.57(1).

107 (d) The division may issue up to eight vendor's licenses to
108 a distillery pursuant to this subsection.

109
110 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

111 And the directory clause is amended as follows:

112 Delete lines 52 - 53

113 and insert:

114 Section 4. Paragraphs (a) and (b) of subsection (1), paragraphs
115 (b) and (c) of subsection (2), and subsection (5) of section
116 565.03, Florida

117
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 11 - 23

121 and insert:

122 "branded product" and "craft distillery"; revising the
123 requirements for the sale of branded products by a
124 licensed craft distillery to consumers; deleting a
125 provision that prohibits a craft distillery from
126 selling more than six individual containers of a



605768

127 branded product to a consumer; revising requirements
128 relating to the shipping of distilled spirits to
129 consumers by a craft distillery; providing that it is
130 unlawful to transfer a distillery license, or
131 ownership in a distillery license, for certain
132 distilleries to certain individuals or entities;
133 prohibiting a craft distillery from having its
134 ownership affiliated with certain other distilleries;
135 authorizing a craft distillery to transfer specified
136 distilled spirits from certain locations to its
137 souvenir gift shop; requiring a craft distillery
138 making certain transfers of distilled spirits to
139 submit certain excise taxes with its monthly report to
140 the Division of Alcoholic Beverages and Tobacco of the
141 Department of Business and Professional Regulation;
142 amending s. 561.221, F.S.; authorizing the division to
143 issue vendor's licenses to certain distilleries for
144 the sale of alcoholic beverages on the licensed
145 premises, on a seaport facility's licensed premises,
146 or at an airport terminal; requiring that the licensed
147 vendor premises be included on certain sketches and
148 diagrams under certain circumstances; requiring that
149 all revisions to a sketch or diagram be approved by
150 the division; specifying that a distillery possessing
151 a vendor's license is not allowed to make certain
152 deliveries; capping the number of vendor's licenses
153 the division is authorized to issue to a distillery;
154 providing an