

By Representatives K. Pruitt, Tobin, Logan, Peaden,
Dawson-White, Jacobs, Hill, Brennan, Bloom, Mackey and Sembler

1 A bill to be entitled
2 An act relating to alcoholic beverages;
3 creating s. 561.545, F.S.; providing
4 legislative intent; prohibiting the shipment of
5 alcoholic beverages by persons in another state
6 or country to unauthorized persons in this
7 state; providing penalties; providing for
8 application; providing an exception; providing
9 an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13 Section 1. Section 561.545, Florida Statutes, is
14 created to read:

15

16 561.545 Certain shipments of beverages
17 prohibited.--The Legislature finds and declares that the
18 direct shipment of alcoholic beverages by persons in the
19 business of selling alcoholic beverages to residents of this
20 state in violation of this section poses a serious threat to
21 the public health, safety, revenue, and economy of the state.
22 The Legislature further finds and declares that the present
23 penalties for illegal direct shipments of alcoholic beverages
24 to residents of this state are not adequate to ensure
25 compliance with the provisions of this section and that the
26 measures provided for in this section are fully consistent
27 with the powers conferred upon the state by the Twenty-first
28 Amendment to the Constitution of the United States.

29

30 (1) Any person in the business of selling alcoholic
31 beverages who knowingly and intentionally ships or causes to
be shipped any alcoholic beverage directly to any resident of
this state who does not hold a valid manufacturer's,

1 importer's, wholesaler's, or retailer's license issued by the
2 state is in violation of this chapter.

3 (2)(a) Any person found by the Division of Alcoholic
4 Beverages and Tobacco to be in violation of subsection (1)
5 shall be issued a cease and desist order by certified mail.

6 Any person who, after receiving a cease and desist order, is
7 found by the division to be in violation of subsection (1) for
8 a second or subsequent occurrence, within a 2-year period
9 after the first violation, shall be guilty of a felony of the
10 third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084.

12 (b) This subsection shall not apply to any person who
13 has registered the brands thus shipped or caused to be shipped
14 with the division pursuant to s. 563.045, or who is licensed
15 as a primary American source of supply under s. 564.045 or s.
16 565.095 for the brand or brands thus shipped or caused to be
17 shipped, and who has current licenses and has posted adequate
18 surety bonds as required by the Beverage Law; however,
19 violations of the provisions of subsection (1) shall
20 constitute grounds for the division to take appropriate
21 administrative action against such person, including
22 suspension or cancellation of license and forfeiture of bonds.

23 (3) This section shall not apply to the direct
24 shipment of sacramental alcoholic beverages to bona fide
25 religious organizations as authorized by the division.

26 Section 2. This act shall take effect October 1, 1997.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Prohibits any person in the business of selling alcoholic beverages to knowingly and intentionally ship or cause to be shipped any alcoholic beverage directly to any resident of the state who does not hold a valid manufacturer's, importer's, wholesaler's, or retailer's license. Provides a cease and desist order for a first violation and, if found guilty of a violation for a second or subsequent violation in a 2-year period, provides a third degree felony penalty. Provides exceptions. See bill for details.