

By the Committee on Regulated Industries; and Senator Margolis

315-2509-03

1 A bill to be entitled
2 An act relating to the Beverage Law; amending
3 s. 561.32, F.S., relating to transfer of
4 certain licenses to sell alcoholic beverages;
5 providing an exception to a waiver of certain
6 transfer fees when the transfer is within a
7 specified period; amending s. 561.221, F.S.;
8 amending the purposes of certain permits issued
9 by the Division of Alcoholic Beverages and
10 Tobacco; amending s. 561.57, F.S.; amending
11 provisions relating to the vehicles used in
12 making deliveries of alcoholic beverages;
13 amending s. 599.004, F.S.; allowing a Florida
14 Farm Winery to lease its premises to a vendor;
15 allowing sales to occur only on the premises of
16 the winery; providing an effective date.

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

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20 Section 1. Subsection (5) of section 561.32, Florida
21 Statutes, is amended to read:

22 561.32 Transfer of licenses; change of officers or
23 directors; transfer of interest.--

24 (4)(a) Except as provided in paragraph (b), a license
25 issued under s. 561.20(1) shall not be transferable in any
26 manner, either directly or indirectly, including by any change
27 in stock, partnership shares, or other form of ownership of
28 any entity holding the license, except by probate or
29 guardianship proceedings, for a period of 3 years from the
30 date of original issuance. Any attempted assignment, sale, or
31 transfer of interest in such license either directly or

1 indirectly in violation of this provision is hereby declared
2 void, and the license shall be deemed abandoned and shall
3 revert to the state to be issued in the manner provided by law
4 for issuance of new licenses.

5 (b) A license issued under s. 561.20(1) may be
6 transferred as provided by law within the 3-year period only
7 upon payment to the division of a transfer fee in an amount
8 equal to 15 times the annual license fee specified in s.
9 565.02(1)(b)-(f) in the county in which the license is valid.
10 However, if the county is only authorized for the issuance of
11 liquor licenses for package sales only, the transfer fee shall
12 be in an amount equal to 15 times the annual license fee
13 specified in s. 565.02(1)(a). Subsequent to any such transfer,
14 the transferee shall be subject to the provisions of the
15 beverage laws with respect to the requirement for initial
16 issuance of a license. Any change of ownership in any manner,
17 either directly or indirectly, including any change in stock,
18 partnership shares, or other form of ownership of any entity
19 holding the license shall be considered a transfer and subject
20 to the fees set forth in this paragraph. The transfer fees
21 provided for in this paragraph shall be in addition to any
22 other transfer fee provided for by this section. The funds
23 collected pursuant to this paragraph shall be deposited in the
24 Alcoholic Beverages and Tobacco Trust Fund and shall be used
25 by the division to defray the costs of operation.

26 (5) The division shall waive the transfer fee and the
27 delinquent penalties, but not the license renewal fee, when
28 the transfer of an interest in an alcoholic beverage license
29 occurs by operation of law because of a death, judicial
30 proceedings, court appointment of a fiduciary, foreclosure or
31 forced judicial sale, bankruptcy proceedings, or seizure of a

1 license by a government agency. The waiver provided for in
2 this subsection shall not apply to transfers made within the
3 3-year period set forth in subsection (4).

4 Section 2. Subsection (1) of section 561.221, Florida
5 Statutes, is amended to read:

6 561.221 Licensing of manufacturers and distributors as
7 vendors and of vendors as manufacturers; conditions and
8 limitations.--

9 (1)(a) Nothing contained in s. 561.22, s. 561.42, or
10 any other provision of the Beverage Law prohibits the
11 ownership, management, operation, or control of not more than
12 three vendor's licenses for the sale of alcoholic beverages by
13 a manufacturer of wine who is licensed and engaged in the
14 manufacture of wine in this state, even if such manufacturer
15 is also licensed as a distributor; provided that no such
16 vendor's license shall be owned, managed, operated, or
17 controlled by any licensed manufacturer of wine unless the
18 licensed premises of the vendor are situated on property
19 contiguous to the manufacturing premises of the licensed
20 manufacturer of wine.

21 (b) The Division of Alcoholic Beverages and Tobacco
22 shall issue permits to a certified Florida Farm Winery to
23 conduct tastings ~~tasting and sales~~ of wine produced by
24 certified Florida Farm Wineries at Florida fairs, trade shows,
25 expositions, and festivals. The certified Florida Farm Winery
26 shall pay all entry fees and shall have a winery
27 representative present during the event. The permit is limited
28 to the length of the event.

29 (c) The Division of Alcoholic Beverages and Tobacco
30 shall issue permits to vendors to conduct tastings and sales
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1 of wine at Florida fairs, trade shows, expositions, and
2 festivals. The permit is limited to the length of the event.

3 Section 3. Subsection (2) of section 561.57, Florida
4 Statutes, is amended to read:

5 561.57 Deliveries by licensees.--

6 (2) Manufacturers and distributors may make deliveries
7 to other manufacturers and distributors in vehicles that are
8 owned or leased by the licensee or by common carrier.

9 Distributors may make deliveries to vendors in vehicles that
10 are owned or leased by the licensee or by common carrier.

11 Vendors may make deliveries to consumers in vehicles that are
12 owned or leased by the licensee or by common carrier. However,
13 a vendor that holds a manufacturer's or distributor's license
14 in the same entity as the vendor or in a subsidiary or
15 affiliated entity may not make any deliveries to consumers.

16 ~~Deliveries made by a manufacturer, distributor, or vendor away~~
17 ~~from his or her place of business may be made only in vehicles~~
18 ~~which are owned or leased by the licensee.~~ By acceptance of
19 an alcoholic beverage license and the use of such vehicles
20 that are owned or leased by the licensee, the licensee agrees
21 that such vehicle shall always be subject to be inspected and
22 searched without a search warrant, for the purpose of
23 ascertaining that all provisions of the alcoholic beverage
24 laws are complied with, by authorized employees of the
25 division and also by sheriffs, deputy sheriffs, and police
26 officers during business hours or other times the vehicle is
27 being used to transport or deliver alcoholic beverages.

28 Section 4. Subsection (1) of section 599.004, Florida
29 Statutes, is amended to read:

30 599.004 Florida Farm Winery Program; registration;
31 logo; fees.--

1 (1) The Florida Farm Winery Program is established
2 within the Department of Agriculture and Consumer Services.
3 Under this program, a winery may qualify as a tourist
4 attraction only if it is registered with and certified by the
5 department as a Florida Farm Winery. Notwithstanding any
6 other provision of the Beverage Law, a Florida Farm Winery may
7 lease a portion of its premises to a vendor. A winery may not
8 claim to be certified unless it has received written approval
9 from the department.

10 (a) To qualify as a certified Florida Farm Winery, a
11 winery shall meet the following standards:

12 1. Produce or sell less than 250,000 gallons of wine
13 annually.

14 2. Maintain a minimum of 10 acres of owned or managed
15 vineyards in Florida.

16 3. Be open to the public for tours, tastings, and
17 sales at least 30 hours each week. Sales may occur only on the
18 premises of the Florida Farm Winery.

19 4. Make annual application to the department for
20 recognition as a Florida Farm Winery, on forms provided by the
21 department.

22 5. Pay an annual application and registration fee of
23 \$100.

24 (b) To maintain certification and recognition as a
25 Florida Farm Winery, a winery must comply with the
26 qualifications provided in this section. The Commissioner of
27 Agriculture is authorized to officially recognize a certified
28 Florida Farm Winery as a state tourist attraction.

29 Section 5. This act shall take effect upon becoming a
30 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1692

The committee substitute adds section 2 to delete the provision that under current law permits a Florida Farm Winery to conduct sales of wine at Florida fairs, trade shows, expositions, and festivals. It permits vendors to conduct wine tastings and sales at such events.

It adds section 3 to authorize manufacturers, distributors, and vendors to make deliveries by common carrier. It provides that a vendor may not make any deliveries if it holds a manufacturer's or distributor's license in the same entity as the vendor or in a subsidiary or affiliated entity.

It adds section 4 to permit a Florida Farm Winery to lease a portion of its premises to a vendor. It provides that sales of alcoholic beverages by certified Florida Farm Wineries can only occur on the premises of the Florida Farm Winery.