

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

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Subsection (5) of section 561.32, Florida
 19 Statutes, is amended to read:

20 561.32 Transfer of licenses; change of officers or
 21 directors; transfer of interest.--

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

29 interest in such license either directly or indirectly in
30 violation of this provision is hereby declared void, and the
31 license shall be deemed abandoned and shall revert to the state
32 to be issued in the manner provided by law for issuance of new
33 licenses.

34 (b) A license issued under s. 561.20(1) may be transferred
35 as provided by law within the 3-year period only upon payment to
36 the division of a transfer fee in an amount equal to 15 times
37 the annual license fee specified in s. 565.02(1)(b)-(f) in the
38 county in which the license is valid. However, if the county is
39 only authorized for the issuance of liquor licenses for package
40 sales only, the transfer fee shall be in an amount equal to 15
41 times the annual license fee specified in s. 565.02(1)(a).

42 Subsequent to any such transfer, the transferee shall be subject
43 to the provisions of the beverage laws with respect to the
44 requirement for initial issuance of a license. Any change of
45 ownership in any manner, either directly or indirectly,
46 including any change in stock, partnership shares, or other form
47 of ownership of any entity holding the license shall be
48 considered a transfer and subject to the fees set forth in this
49 paragraph. The transfer fees provided for in this paragraph
50 shall be in addition to any other transfer fee provided for by
51 this section. The funds collected pursuant to this paragraph
52 shall be deposited in the Alcoholic Beverages and Tobacco Trust
53 Fund and shall be used by the division to defray the costs of
54 operation.

55 (5) The division shall waive the transfer fee and the
56 delinquent penalties, but not the license renewal fee, when the

57 transfer of an interest in an alcoholic beverage license occurs
58 by operation of law because of a death, judicial proceedings,
59 court appointment of a fiduciary, foreclosure or forced judicial
60 sale, bankruptcy proceedings, or seizure of a license by a
61 government agency. The waiver provided for in this subsection
62 shall not apply to transfers due to a foreclosure or forced
63 judicial sale made within the 3-year period set forth in
64 subsection (4).

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

67 561.221 Licensing of manufacturers and distributors as
68 vendors and of vendors as manufacturers; conditions and
69 limitations.--

70 (1)(a) Nothing contained in s. 561.22, s. 561.42, or any
71 other provision of the Beverage Law prohibits the ownership,
72 management, operation, or control of not more than three
73 vendor's licenses for the sale of alcoholic beverages by a
74 manufacturer of wine who is licensed and engaged in the
75 manufacture of wine in this state, even if such manufacturer is
76 also licensed as a distributor; provided that no such vendor's
77 license shall be owned, managed, operated, or controlled by any
78 licensed manufacturer of wine unless the licensed premises of
79 the vendor are situated on property contiguous to the
80 manufacturing premises of the licensed manufacturer of wine.

81 (b) The Division of Alcoholic Beverages and Tobacco shall
82 issue permits to a certified Florida Farm Winery to conduct
83 tastings ~~tasting and sales~~ of wine produced by certified Florida
84 Farm Wineries at Florida fairs, trade shows, expositions, and

85 festivals. The certified Florida Farm Winery shall pay all entry
 86 fees and shall have a winery representative present during the
 87 event. The permit is limited to the length of the event.

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

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

94 561.57 Deliveries by licensees.--

95 (2) Manufacturers and distributors may make deliveries to
 96 other manufacturers and distributors in vehicles that are owned
 97 or leased by the licensee or by common carrier. Distributors may
 98 make deliveries to vendors in vehicles that are owned or leased
 99 by the licensee or by common carrier. Vendors may make
 100 deliveries to consumers in vehicles that are owned or leased by
 101 the licensee or by common carrier. However, a vendor that holds
 102 a manufacturer's or distributor's license in the same entity as
 103 the vendor or in a subsidiary or affiliated entity may not make
 104 any deliveries to consumers ~~Deliveries made by a manufacturer,~~
 105 ~~distributor, or vendor away from his or her place of business~~
 106 ~~may be made only in vehicles which are owned or leased by the~~
 107 ~~licensee.~~ By acceptance of an alcoholic beverage license and the
 108 use of such vehicles that are owned or leased by the licensee,
 109 the licensee agrees that such vehicle shall always be subject to
 110 be inspected and searched without a search warrant, for the
 111 purpose of ascertaining that all provisions of the alcoholic
 112 beverage laws are complied with, by authorized employees of the

113 | division and also by sheriffs, deputy sheriffs, and police
 114 | officers during business hours or other times the vehicle is
 115 | being used to transport or deliver alcoholic beverages.

116 | Section 4. Subsection (1) of section 599.004, Florida
 117 | Statutes, is amended to read:

118 | 599.004 Florida Farm Winery Program; registration; logo;
 119 | fees.--

120 | (1) The Florida Farm Winery Program is established within
 121 | the Department of Agriculture and Consumer Services. Under this
 122 | program, a winery may qualify as a tourist attraction only if it
 123 | is registered with and certified by the department as a Florida
 124 | Farm Winery. Notwithstanding any other provision of the Beverage
 125 | Law, a Florida Farm Winery may lease a portion of its premises
 126 | to a vendor. A winery may not claim to be certified unless it
 127 | has received written approval from the department.

128 | (a) To qualify as a certified Florida Farm Winery, a
 129 | winery shall meet the following standards:

130 | 1. Produce or sell less than 250,000 gallons of wine
 131 | annually.

132 | 2. Maintain a minimum of 10 acres of owned or managed
 133 | vineyards in Florida.

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

137 | 4. Make annual application to the department for
 138 | recognition as a Florida Farm Winery, on forms provided by the
 139 | department.

140 | 5. Pay an annual application and registration fee of \$100.

HB 1529

2005

141 (b) To maintain certification and recognition as a Florida
142 Farm Winery, a winery must comply with the qualifications
143 provided in this section. The Commissioner of Agriculture is
144 authorized to officially recognize a certified Florida Farm
145 Winery as a state tourist attraction.

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