

Bill No. CS for CS for SB 282

Barcode 625964

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Saunders moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 13, line 19, through

15 page 14, line 19, delete those lines

16
17 and insert:

18 Section 5. Subsections (1) and (6) of section 561.57,
19 Florida Statutes, are amended to read:

20 561.57 Deliveries by licensees.--

21 (1) Vendors shall be permitted to make deliveries away
22 from their places of business of sales actually made at the
23 licensed place of business; provided, telephone or mail orders
24 received at vendor's licensed place of business shall be
25 construed as a sale actually made at the vendor's licensed
26 place of business. For purposes of this section, Internet
27 orders shall be construed as telephone orders.

28 (6) Common carriers are not required to have vehicle
29 permits to transport alcoholic beverages. Nothing in this
30 section shall prohibit any licensee from utilizing a common
31 carrier as his or her agent to make deliveries of alcoholic

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1 beverages within the state. Deliveries of alcoholic beverages
2 by licensees or common carriers utilized by licensees under
3 this section are exempt from the report filing requirements in
4 s. 562.20. All common carriers making deliveries under this
5 section shall verify that any person receiving alcoholic
6 beverages is at least 21 years of age upon the delivery of
7 such alcoholic beverages, as prescribed in division rules.
8 Compliance with the prescribed age verification measures in s.
9 561.585(3) shall give the common carrier and the licensee a
10 complete defense to any civil action thereof, except for any
11 administrative action by the division, if, at the time the
12 alcoholic beverage was sold, given, delivered, or transferred,
13 the person falsely evidenced that he or she was of legal age
14 to purchase or consume the alcoholic beverage and the
15 appearance of the person was such that an ordinarily prudent
16 person would believe him or her to be of legal age to purchase
17 or consume the alcoholic beverage and if the licensee or
18 common carrier acted in good faith and in reliance upon the
19 representation and appearance of the person in the belief that
20 he or she was of legal age to purchase or consume the
21 alcoholic beverage and carefully checked one of the following
22 forms of identification with respect to the person: a valid
23 driver's license, an identification card issued under the
24 provisions of s. 322.051, or, if the person is physically
25 handicapped, a comparable identification card issued by
26 another state which indicates the person's age, a passport, or
27 a United States Uniformed Services identification card.

28 Section 6. Subsection (1) of section 599.004, Florida
29 Statutes, is amended to read:

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

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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. A winery may not claim to
 6 be certified unless it has received written approval from the
 7 department.

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

10 1. Produce or sell less than 250,000 gallons of wine
 11 annually of which 60 percent of wine produced shall be made
 12 from this state's agricultural products. The Commissioner of
 13 Agriculture may waive this requirement in times of hardship.

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.

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

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

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

28 Section 7. Subsection (5) of section 561.24, Florida
 29 Statutes, is amended to read:

30 561.24 Licensing manufacturers as distributors or
 31 registered exporters prohibited; procedure for issuance and

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1 renewal of distributors' licenses and exporters'
2 registrations.--

3 (5) Notwithstanding any of the provisions of the
4 foregoing subsections, any corporation which holds a license
5 as a distributor on June 3, 1947, shall be entitled to a
6 renewal thereof, provided such corporation complies with all
7 of the provisions of the Beverage Law of Florida, as amended,
8 and of this section and establishes by satisfactory evidence
9 to the division that, during the 6-month period next preceding
10 its application for such renewal, of the total volume of its
11 sales of spirituous liquors, in either dollars or quantity,
12 not more than 40 percent of such spirituous liquors sold by
13 it, in either dollars or quantity, were manufactured,
14 rectified, or distilled by any corporation with which the
15 applicant is affiliated, directly or indirectly, including any
16 corporation which owns or controls in any way any stock in the
17 applicant corporation or any corporation which is a subsidiary
18 or affiliate of the corporation so owning stock in the
19 applicant corporation. Any manufacturer of wine holding a
20 license as a distributor on July 1, 2006, ~~the effective date~~
21 ~~of this act~~ shall be entitled to a renewal of such license
22 notwithstanding the provisions of subsections (1)-(5). ~~This~~
23 ~~section does not apply to any winery qualifying as a certified~~
24 ~~Florida Farm Winery under s. 599.004.~~

25 Section 8. Should any portion of this act be held
26 unconstitutional, it is the intent of the Legislature that the
27 courts disturb only as much of the regulatory system of this
28 state as is necessary to enforce the United States
29 Constitution.

30 Section 9. Notwithstanding the provisions of s.
31 561.585, Florida Statutes, contracts not otherwise prohibited

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1 by the Beverage Law shall not be impaired.

2 Section 10. The Division of Alcoholic Beverages and
3 Tobacco of the Department of Business and Professional
4 Regulation and the Department of Revenue may adopt rules
5 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
6 implement and administer this act.

7 Section 11. For fiscal year 2006-2007, six full-time
8 equivalent positions are authorized, and the sums of \$484,096
9 in recurring funds and \$41,944 in nonrecurring funds from the
10 Alcoholic Beverage and Tobacco Trust Fund of the Department of
11 Business and Professional Regulation are hereby appropriated
12 within a qualified expenditure category for the purpose of
13 carrying out regulatory activities provided in this act. In
14 addition, for fiscal year 2006-2007, two full-time equivalent
15 positions, with associated salary rate of 76,129, are
16 authorized, and the sums of \$127,340 in recurring funds and
17 \$10,486 in nonrecurring funds from the Administrative Trust
18 Fund of the Department of Business and Professional Regulation
19 are hereby appropriated for the purpose of carrying out
20 central-service administrative support functions related to
21 the regulatory activities provided in this act.

22
23 (Redesignate subsequent sections.)

24
25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 25, through
29 page 2, line 3, delete those lines

30
31 and insert:

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1 shipped under s. 561.575, F.S.; amending s.
2 561.57, F.S.; providing that Internet orders
3 shall be construed as telephone orders;
4 exempting common carriers, licensees, or other
5 persons utilizing common carriers as their
6 agents from certain report filing requirements;
7 requiring common carriers to verify the age of
8 persons receiving shipments; providing a
9 defense to certain actions; providing criteria
10 for the defense; amending s. 599.004, F.S.;
11 revising qualifications for the certification
12 of Florida Farm Wineries; amending s. 561.24,
13 F.S.; revising an effective date; authorizing
14 certain manufacturers of wine holding a
15 distributor's license to renew such license;
16 removing exemption of Florida Farm Wineries
17 from prohibition against manufacturer being
18 licensed as distributor or registered as
19 exporter; providing for severability; providing
20 for nonimpairment of contracts; providing for
21 rulemaking authority; authorizing additional
22 positions; providing appropriations; providing
23 an effective date.

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