

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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|-----------------------|-------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Business & Professional
2 Regulation Subcommittee
3 Representative Renuart offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 565.03, Florida Statutes, is amended to
8 read:

9 565.03 License fees; manufacturers, distributors, brokers,
10 sales agents, and importers of alcoholic beverages; vendor
11 licenses and fees; craft distilleries.-

(1) As used in this section, the term:

13 (a) "Craft distillery" means a licensed distillery that
14 produces 75,000 or fewer gallons per calendar year of distilled
15 spirits on its premises and has notified the division in writing
16 of its decision to qualify as a craft distillery.

17 (b) "Distillery" means a ~~Each liquor~~ manufacturer of
18 distilled spirits.

19 (2) (a) A distillery authorized to do business under the
20 Beverage Law shall pay an annual state license tax for each

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21 plant or branch operating ~~he or she operates~~ in the state, as
22 follows:

23 1. If engaged in the business of manufacturing distilled
24 spirits ~~distilling spirituous liquors and nothing else~~, a state
25 license tax of \$4,000.

26 2. If engaged in the business of rectifying and blending
27 spirituous liquors and nothing else, a state license tax of
28 \$4,000.

29 (b) Persons licensed under this section who are ~~hereunder~~
30 in the business of distilling spirituous liquors may also engage
31 in the business of rectifying and blending spirituous liquors
32 without the payment of an additional license tax.

33 (c) A craft distillery licensed under this section may
34 sell distilled spirits produced on its premises in this state to
35 consumers in factory-sealed containers for off-premises
36 consumption at its souvenir gift shop. Such sales are authorized
37 only on private property contiguous to the licensed distillery
38 premises in this state and included on the sketch or diagram
39 defining the licensed premises submitted with the distillery's
40 license application. All sketch or diagram revisions by the
41 distillery shall require the division's approval verifying that
42 the souvenir gift shop location operated by the licensed
43 distillery are owned or leased by the distillery and on property
44 contiguous to the distillery's production building in this
45 state. A craft distillery or licensed distillery may not sell
46 any factory-sealed individual containers of spirits except in
47 face-to-face sales transactions with consumers who are making a
48 purchase of twenty four (24) or less individual containers that

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49 complies with container limits in s. 565.10, for the consumer's
50 personal use and not for resale and who are present at the
51 distillery's licensed premises in this state per calendar year.

52 1. A craft distillery must report to the division within 5
53 days after it reaches the production limitations provided in
54 paragraph (1) (a). Any retail sales to consumers at the craft
55 distillery's licensed premises are prohibited beginning on the
56 day after it reaches the production limitation.

57 2. A licensed craft distillery may not ship, arrange to
58 ship, or deliver any of its distilled spirits to consumers
59 within the state except in a face-to-face transaction at the
60 distillery property. However, a craft distiller licensed under
61 this section may ship, arrange to ship, or deliver such spirits
62 to manufacturers of distilled spirits, wholesale distributors of
63 distilled spirits, state or federal bonded warehouses, and
64 exporters.

65 3. Except as provided in subparagraph 4., it is unlawful to
66 transfer a distillery license for a distillery that produces
67 75,000 or fewer gallons per calendar year of distilled spirits
68 on its premises or any ownership interest in such license to any
69 individual or entity that has any direct or indirect ownership
70 interest in any distillery licensed in this state, any other
71 state, or territory, or country, or by the United States
72 government to manufacture, blend, or rectify distilled spirits
73 for beverage purposes.

74 4. A craft distillery shall not have its ownership
75 affiliated with another distillery, unless such distillery

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76 produces 75,000 or fewer gallons per calendar year of distilled
77 spirits on its premises.

78 ~~(3)~~(2) Distributors authorized to do business under the
79 Beverage Law, unless otherwise provided, shall pay a state
80 license tax of \$4,000 for each and every establishment or branch
81 they may operate or conduct in the state. However, in counties
82 having a population of 15,000 or less according to the latest
83 state or federal census, the state license tax for a restricted
84 license shall be \$1,000, but the holder of such a license shall
85 be permitted to sell only to vendors and distributors licensed
86 in the same county, and such license shall contain such
87 restrictions. In such counties, licenses without such
88 restrictions may be obtained as in other counties, but the tax
89 for a license without such restrictions shall be the same as in
90 other counties. Warehouses of a licensed distributor used solely
91 for storage and located in the county in which the license is
92 issued to such distributor shall not be construed to be separate
93 establishments or branches.

94 ~~(4)~~(3) Each broker or sales agent and each importer of
95 alcoholic beverages, as defined in s. 561.14(4) and (5),
96 respectively, shall pay an annual state license tax of \$500.

97 (5) All craft distilleries making sales under paragraph
98 (2)(c) are responsible for submitting any beverages excise taxes
99 under the Beverage Law in its monthly report to the division
100 with any tax payments due to the state.

101 (6) The division may adopt rules to administer this
102 section.

103 Section 2. This act shall take effect July 1, 2013.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to distilled spirits; amending s.
565.03, F.S.; providing definitions; revising
provisions with respect to the licensure and operation
of distilleries; providing requirements for craft
distilleries; providing for the sale of distilled
spirits by licensed distilleries under certain
conditions; providing reporting requirements;
prohibiting the shipment of certain distilled spirits;
providing requirements relating to the payment of
taxes; providing for applicability; providing
rulemaking authority; providing an effective date.