

1 A bill to be entitled
 2 An act relating to distilled spirits; amending s.
 3 565.03, F.S.; providing definitions; revising
 4 provisions with respect to the licensure and operation
 5 of distilleries; providing requirements for craft
 6 distilleries; providing for the sale of distilled
 7 spirits by licensed distilleries under certain
 8 conditions; providing reporting requirements;
 9 prohibiting the shipment of certain distilled spirits;
 10 providing for the transportation of distilled spirits
 11 by licensed distilleries under certain conditions;
 12 providing requirements relating to the payment of
 13 taxes; providing for applicability; providing
 14 rulemaking authority; providing an effective date.

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

17
 18 Section 1. Section 565.03, Florida Statutes, is amended to
 19 read:

20 565.03 License fees; manufacturers, distributors, brokers,
 21 sales agents, and importers of alcoholic beverages; vendor
 22 licenses and fees; craft distilleries.-

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

24 (a) "Craft distillery" means a licensed distillery that
 25 produces 75,000 or fewer gallons of distilled spirits on its
 26 premises.

27 (b) "Distillery" means a ~~Each liquor~~ manufacturer,
 28 rectifier, blender, or processor of distilled spirits.

29 (2) (a) A distillery authorized to do business under the
 30 Beverage Law shall pay an annual state license tax for each
 31 plant or branch operating ~~he or she operates~~ in the state, as
 32 follows:

33 1. If engaged in the business of manufacturing,
 34 rectifying, blending, or processing distilled spirits ~~distilling~~
 35 ~~spirituous liquors and nothing else,~~ a state license tax of
 36 \$4,000.

37 2. If engaged in the business of rectifying and blending
 38 spirituous liquors and nothing else, a state license tax of
 39 \$4,000.

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

44 (c) A craft distillery licensed under this section may
 45 sell distilled spirits produced on its premises in this state to
 46 consumers for on-premises consumption and in factory-sealed
 47 containers for off-premises consumption. Such sales are
 48 authorized only on private property contiguous to the licensed
 49 distillery premises in this state and included on the sketch or
 50 diagram defining the licensed premises submitted with the
 51 distillery's license application. All sketch or diagram
 52 revisions by the distillery shall require the division's
 53 approval verifying that all alcoholic beverage retail sales
 54 locations operated by the licensed distillery are owned or
 55 leased by the distillery and on property contiguous to the
 56 distillery's production building in this state. A craft

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57 distillery or licensed distillery may not sell any distilled
58 spirits except in face-to-face sales transactions with consumers
59 who are making a purchase for the consumer's personal use and
60 not for resale and who are present at the distillery's licensed
61 premises in this state.

62 1. This paragraph does not impact any land use for a craft
63 distillery approved before July 1, 2013.

64 2. A craft distillery must report to the division within 5
65 days after it reaches the production limitations provided in
66 paragraph (1)(a). Any retail sales to consumers at the craft
67 distillery's licensed premises are prohibited on the day after
68 it reaches the production limitation.

69 3. A licensed craft distillery may not ship, arrange to
70 ship, or deliver any of its distilled spirits to consumers
71 within the state. However, a craft distiller licensed under this
72 section may ship, arrange to ship, or deliver such spirits to
73 manufacturers of distilled spirits, wholesale distributors of
74 distilled spirits, state or federal bonded warehouses, and
75 exporters.

76 (3)(2) Distributors authorized to do business under the
77 Beverage Law, unless otherwise provided, shall pay a state
78 license tax of \$4,000 for each and every establishment or branch
79 they may operate or conduct in the state. However, in counties
80 having a population of 15,000 or less according to the latest
81 state or federal census, the state license tax for a restricted
82 license shall be \$1,000, but the holder of such a license shall
83 be permitted to sell only to vendors and distributors licensed
84 in the same county, and such license shall contain such

85 | restrictions. In such counties, licenses without such
86 | restrictions may be obtained as in other counties, but the tax
87 | for a license without such restrictions shall be the same as in
88 | other counties. Warehouses of a licensed distributor used solely
89 | for storage and located in the county in which the license is
90 | issued to such distributor shall not be construed to be separate
91 | establishments or branches.

92 | ~~(4)(3)~~ Each broker or sales agent and each importer of
93 | alcoholic beverages, as defined in s. 561.14(4) and (5),
94 | respectively, shall pay an annual state license tax of \$500.

95 | (5) The Beverage Law does not prohibit:

96 | (a) One hundred percent ownership of any vendor's license
97 | by a licensed distillery in the state that is engaged in the
98 | manufacturing of distilled spirits, if the vendor's premises
99 | meets the minimum qualifications for the vendor's license. The
100 | vendor's licensed premises must be owned or leased by the
101 | distillery and situated on property contiguous to the licensed
102 | premises where distilled spirits are produced.

103 | (b) A licensed distillery from transporting its distilled
104 | spirits in compliance with federal and state alcoholic beverage
105 | laws and administrative rules to any vendor's licensed premises
106 | on property contiguous to the distillery and owned or leased by
107 | the distillery. Notwithstanding s. 561.14, any licensed
108 | distillery licensed as a vendor and operating at a premises
109 | under paragraph (2)(c) or paragraph (5)(a) may purchase or
110 | acquire alcoholic beverage products produced at a licensed
111 | distillery in this state directly from the distillery. Each
112 | distillery transporting its distilled spirits to its licensed

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113 | retail premises or making sales under paragraph (2)(c) is
114 | responsible for submitting any beverages excise taxes under the
115 | Beverage Law in its monthly report to the division with any tax
116 | payments due to the state.

117 | (6) The division may adopt rules to administer this
118 | section.

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