

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 prohibiting the transfer of a distillery license under
 11 certain conditions; prohibiting a craft distillery
 12 from having its ownership affiliated with another
 13 distillery under certain conditions; providing
 14 requirements relating to the payment of taxes;
 15 providing for applicability; providing rulemaking
 16 authority; providing for nonseverability; providing an
 17 effective date.

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

20
 21 Section 1. Section 565.03, Florida Statutes, is amended to
 22 read:

23 565.03 License fees; manufacturers, distributors, brokers,
 24 sales agents, and importers of alcoholic beverages; vendor
 25 licenses and fees; craft distilleries.—

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

27 (a) "Craft distillery" means a licensed distillery that
 28 produces 75,000 or fewer gallons per calendar year of distilled

29 | spirits on its premises and has notified the division in writing
 30 | of its decision to qualify as a craft distillery.

31 | (b) "Distillery" means a ~~Each liquor~~ manufacturer of
 32 | distilled spirits.

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

37 | 1. If engaged in the business of manufacturing distilled
 38 | spirits ~~distilling spirituous liquors and nothing else~~, a state
 39 | license tax of \$4,000.

40 | 2. If engaged in the business of rectifying and blending
 41 | spirituous liquors and nothing else, a state license tax of
 42 | \$4,000.

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

47 | (c) A craft distillery licensed under this section may
 48 | sell to consumers, at its souvenir gift shop, spirits distilled
 49 | on its premises in this state in factory-sealed containers that
 50 | are filled at the distillery for off-premises consumption. Such
 51 | sales are authorized only on private property contiguous to the
 52 | licensed distillery premises in this state and included on the
 53 | sketch or diagram defining the licensed premises submitted with
 54 | the distillery's license application. All sketch or diagram
 55 | revisions by the distillery shall require the division's
 56 | approval verifying that the souvenir gift shop location operated

57 by the licensed distillery are owned or leased by the distillery
58 and on property contiguous to the distillery's production
59 building in this state. A craft distillery or licensed
60 distillery may not sell any factory-sealed individual containers
61 of spirits except in face-to-face sales transactions with
62 consumers who are making a purchase of two or fewer individual
63 containers, that comply with the container limits in s. 565.10,
64 per calendar year for the consumer's personal use and not for
65 resale and who are present at the distillery's licensed premises
66 in this state.

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

72 2. A craft distillery may only ship, arrange to ship, or
73 deliver any of its distilled spirits to consumers within the
74 state in a face-to-face transaction at the distillery property.
75 However, a craft distiller licensed under this section may ship,
76 arrange to ship, or deliver such spirits to manufacturers of
77 distilled spirits, wholesale distributors of distilled spirits,
78 state or federal bonded warehouses, and exporters.

79 3. Except as provided in subparagraph 4., it is unlawful
80 to transfer a distillery license for a distillery that produces
81 75,000 or fewer gallons per calendar year of distilled spirits
82 on its premises or any ownership interest in such license to an
83 individual or entity that has a direct or indirect ownership
84 interest in any distillery licensed in this state; another

85 state, territory, or country; or by the United States government
 86 to manufacture, blend, or rectify distilled spirits for beverage
 87 purposes.

88 4. A craft distillery shall not have its ownership
 89 affiliated with another distillery, unless such distillery
 90 produces 75,000 or fewer gallons per calendar year of distilled
 91 spirits on its premises.

92 (3)-(2) Distributors authorized to do business under the
 93 Beverage Law, unless otherwise provided, shall pay a state
 94 license tax of \$4,000 for each and every establishment or branch
 95 they may operate or conduct in the state. However, in counties
 96 having a population of 15,000 or less according to the latest
 97 state or federal census, the state license tax for a restricted
 98 license shall be \$1,000, but the holder of such a license shall
 99 be permitted to sell only to vendors and distributors licensed
 100 in the same county, and such license shall contain such
 101 restrictions. In such counties, licenses without such
 102 restrictions may be obtained as in other counties, but the tax
 103 for a license without such restrictions shall be the same as in
 104 other counties. Warehouses of a licensed distributor used solely
 105 for storage and located in the county in which the license is
 106 issued to such distributor shall not be construed to be separate
 107 establishments or branches.

108 (4)-(3) Each broker or sales agent and each importer of
 109 alcoholic beverages, as defined in s. 561.14(4) and (5),
 110 respectively, shall pay an annual state license tax of \$500.

111 (5) A craft distillery making sales under paragraph (2) (c)
 112 is responsible for submitting any beverages excise taxes under

CS/CS/HB 347

2013

113 the Beverage Law in its monthly report to the division with any
114 tax payments due to the state.

115 (6) The division may adopt rules to administer this
116 section.

117 Section 2. The Legislature declares that it would not have
118 enacted any of the provisions of this act individually and
119 expressly finds them not to be severable. If a court of
120 competent jurisdiction determines any provision of this act to
121 be in conflict with any law of this state, a federal law or
122 regulation, the State Constitution, or the United States
123 Constitution, or otherwise invalid for any reason, it is the
124 intent of the Legislature that all of the provisions of this act
125 are void, that such invalidity voids only the changes made by
126 this act, and that no other provision of law shall be affected.

127 Section 3. This act shall take effect July 1, 2013.