



CS/CS/HB 347, Engrossed 1

2013

1 A bill to be entitled

2 An act relating to alcoholic beverages; 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; amending s. 567.01, F.S.; providing that a  
17 county commission may order an election on the sale of  
18 alcoholic beverages for consumption on premise under  
19 certain conditions; amending ss. 561.14, 567.06, and  
20 567.07, F.S.; conforming cross-references; providing  
21 legislative intent with respect to the severability or  
22 nonseverability of specified amendments made by the  
23 act; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Section 565.03, Florida Statutes, is amended to  
28 read:



CS/CS/HB 347, Engrossed 1

2013

29           565.03 License fees; manufacturers, distributors, brokers,  
30 sales agents, and importers of alcoholic beverages; vendor  
31 licenses and fees; craft distilleries.-

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

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

37           (b) "Distillery" means a ~~Each liquor~~ manufacturer of  
38 distilled spirits.

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

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

46           2. If engaged in the business of rectifying and blending  
47 spirituous liquors and nothing else, a state license tax of  
48 \$4,000.

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

53           (c) A craft distillery licensed under this section may  
54 sell to consumers, at its souvenir gift shop, spirits distilled  
55 on its premises in this state in factory-sealed containers that  
56 are filled at the distillery for off-premises consumption. Such



57 sales are authorized only on private property contiguous to the  
58 licensed distillery premises in this state and included on the  
59 sketch or diagram defining the licensed premises submitted with  
60 the distillery's license application. All sketch or diagram  
61 revisions by the distillery shall require the division's  
62 approval verifying that the souvenir gift shop location operated  
63 by the licensed distillery are owned or leased by the distillery  
64 and on property contiguous to the distillery's production  
65 building in this state. A craft distillery or licensed  
66 distillery may not sell any factory-sealed individual containers  
67 of spirits except in face-to-face sales transactions with  
68 consumers who are making a purchase of two or fewer individual  
69 containers, that comply with the container limits in s. 565.10,  
70 per calendar year for the consumer's personal use and not for  
71 resale and who are present at the distillery's licensed premises  
72 in this state.

73 1. A craft distillery must report to the division within 5  
74 days after it reaches the production limitations provided in  
75 paragraph (1) (a). Any retail sales to consumers at the craft  
76 distillery's licensed premises are prohibited beginning the day  
77 after it reaches the production limitation.

78 2. A craft distillery may only ship, arrange to ship, or  
79 deliver any of its distilled spirits to consumers within the  
80 state in a face-to-face transaction at the distillery property.  
81 However, a craft distiller licensed under this section may ship,  
82 arrange to ship, or deliver such spirits to manufacturers of  
83 distilled spirits, wholesale distributors of distilled spirits,  
84 state or federal bonded warehouses, and exporters.



85        3. Except as provided in subparagraph 4., it is unlawful  
86 to transfer a distillery license for a distillery that produces  
87 75,000 or fewer gallons per calendar year of distilled spirits  
88 on its premises or any ownership interest in such license to an  
89 individual or entity that has a direct or indirect ownership  
90 interest in any distillery licensed in this state; another  
91 state, territory, or country; or by the United States government  
92 to manufacture, blend, or rectify distilled spirits for beverage  
93 purposes.

94        4. A craft distillery shall not have its ownership  
95 affiliated with another distillery, unless such distillery  
96 produces 75,000 or fewer gallons per calendar year of distilled  
97 spirits on its premises.

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



113 establishments or branches.

114 ~~(4)(3)~~ Each broker or sales agent and each importer of  
115 alcoholic beverages, as defined in s. 561.14(4) and (5),  
116 respectively, shall pay an annual state license tax of \$500.

117 (5) A craft distillery making sales under paragraph (2)(c)  
118 is responsible for submitting any beverages excise taxes under  
119 the Beverage Law in its monthly report to the division with any  
120 tax payments due to the state.

121 (6) The division may adopt rules to administer this  
122 section.

123 Section 2. Section 567.01, Florida Statutes, is amended to  
124 read:

125 567.01 Petition, order, notice of election.—

126 (1) The board of county commissioners of each county shall  
127 order an election to decide whether the sale of intoxicating  
128 liquors, wines, or beer shall be prohibited or permitted in that  
129 ~~said county and if not prohibited, to decide the method of sale,~~  
130 upon the presentation to said board at a regular or special  
131 meeting, of a written application asking for such a  
132 determination in the county in which said application is made  
133 signed by one-fourth of the registered voters of the county. The  
134 signature of each registered voter shall be personally signed to  
135 such application; provided, however, a copy of said petition  
136 shall be dated and filed with the clerk of the circuit court of  
137 the county in which such election is to be held prior to  
138 procuring the signature of any registered voter thereon; and  
139 such petition must be completed and presented to the board of  
140 county commissioners within 120 days from the date said copy of



141 | said petition is originally filed with the clerk of the circuit  
 142 | court; and if not so done, said petition shall be held to be  
 143 | invalid.

144 |       (2) The election so ordered shall be to decide ~~either:~~  
 145 |       ~~(a)~~ whether the sale of intoxicating liquors, wines, or  
 146 | beer shall be prohibited or permitted in said county, and to  
 147 | decide also whether such sale, if permitted by said election,  
 148 | shall be restricted to sales by the package. ~~as hereinafter~~  
 149 | ~~defined; or~~

150 |       (3)~~(b)~~ After an a-prior election has authorized the such  
 151 | sale of intoxicating liquors, wines, or beer and has restricted  
 152 | the sales to by the package only, the board of county  
 153 | commissioners shall order an election to decide whether  
 154 | intoxicating liquors, wines, or beer shall be sold by the drink  
 155 | for consumption on premises as provided in s. 567.07(2)(c) by a  
 156 | majority vote of the board of county commissioners or when  
 157 | application is made signed by one-tenth of the registered voters  
 158 | of the county.

159 |       (4)~~(3)~~ The term "Sales by the package" is defined to mean  
 160 | sales made in sealed containers, for consumption off the  
 161 | premises where sold.

162 |       (5)~~(4)~~ Such an election shall not be ordered oftener than  
 163 | once every 2 years. All orders for such election shall be in  
 164 | writing and shall be entered upon the minutes of the board but  
 165 | this requirement shall be directory only.

166 |       (6)~~(5)~~ Upon the making of the order for an election ~~as~~  
 167 | ~~aforsaid~~, the board shall cause its clerk to give at least 30  
 168 | days' notice of said election by publishing a copy of the order



CS/CS/HB 347, Engrossed 1

2013

169 for election in one newspaper in each and every town in said  
170 county in which a newspaper or newspapers be published, and if  
171 no newspaper be published within the county, then by posting at  
172 least 10 copies of said order in 10 of the most public places in  
173 said county, one of which shall be the courthouse door. Proof of  
174 publication or proof of posting shall be filed with the board  
175 and shall be made as provided by ss. 49.10 and 49.11, for making  
176 proof of publication and proof of posting incident to  
177 constructive service of process, except that the provisions of  
178 said sections for recording shall not apply. All proofs of  
179 publication and of posting shall be entered upon the minutes of  
180 the board, but this requirement shall be directory only.

181 (7)~~(6)~~ It is the purpose and intent of the Legislature  
182 that the ~~such~~ election shall obviate the necessity for holding  
183 two separate elections, except as provided in s. 567.07(2)(c),  
184 by determining in one election:

185 (a) Whether the sale of intoxicating liquors, wines, or  
186 beer shall be prohibited or permitted, and

187 (b) If such sales are determined to be permitted, to  
188 further determine whether the sales so made shall be limited to  
189 sales by the package as herein before defined, or whether sales  
190 by the drink on the premises, as well as sales by the package,  
191 may be permitted.

192  
193 A majority of those legally voting at such election must cast  
194 their votes for selling intoxicating liquors, wines, or beer in  
195 order that the results of the election on the second question  
196 shall be effective and binding.



197 Section 3. Subsection (1) of section 561.14, Florida  
 198 Statutes, is amended to read:

199 561.14 License and registration classification.—Licenses  
 200 and registrations referred to in the Beverage Law shall be  
 201 classified as follows:

202 (1) Manufacturers licensed to manufacture alcoholic  
 203 beverages and distribute the same at wholesale to licensed  
 204 distributors and to no one else within the state, unless  
 205 authorized by statute. Persons engaged in the business of  
 206 distilling, rectifying, or blending spirituous liquors licensed  
 207 under s. 565.03(2) ~~565.03(1)(a)1. and (b)~~ shall sell and  
 208 distribute such beverages at wholesale only to other  
 209 manufacturers and to licensed distributors and to no one else  
 210 within this state.

211 Section 4. Subsection (3) of section 567.06, Florida  
 212 Statutes, is amended to read:

213 567.06 Form of ballot; canvassing votes.—

214 (3) However, for a local option election authorized by s.  
 215 567.01(3) ~~567.01(2)(b)~~ on the sole question of whether  
 216 intoxicating liquors, wines, or beer may be sold by the drink  
 217 for consumption on premises, ballot instructions shall be  
 218 presented in the following form:

219 INSTRUCTIONS: Local Option Election on the Following Question:  
 220 THE QUESTION BEFORE THE ELECTORATE is to decide whether  
 221 intoxicating liquors, wines, or beer, containing more than 6.243  
 222 percent of alcohol by volume, may be sold by the drink for  
 223 consumption on premises in ( ) County, Florida.

224 For Sales by the Drink:





225 followed by the word "yes" and also by the word "no," and shall  
 226 be styled in such a manner that a "yes" vote will indicate  
 227 approval of the question and a "no" vote will indicate  
 228 rejection.

229 Section 5. Paragraph (c) of subsection (2) of section  
 230 567.07, Florida Statutes, is amended to read:

231 567.07 Results of election.—

232 (2) If a majority of those legally voting at any such  
 233 election cast their votes "For Selling Intoxicating Liquors,  
 234 Wines, or Beer" on question number 1 and a majority of votes  
 235 legally cast on question number 2 be cast "For Sales by the  
 236 Package Only," then:

237 (c) After the expiration of 2 years, an election pursuant  
 238 to s. 567.01(3) ~~567.01(2)(b)~~ may be held to determine the sole  
 239 question of whether intoxicating liquors, wines, or beer may be  
 240 sold by the drink for consumption on premises. If a majority of  
 241 those legally voting cast their votes for selling intoxicating  
 242 liquors, wines, or beer by the drink for consumption on  
 243 premises, such alcoholic beverages may be sold as otherwise  
 244 provided by law in that county until otherwise determined in an  
 245 election, which shall not be held oftener than once every 2  
 246 years. If a majority of those legally voting cast their vote  
 247 against the sale of intoxicating liquors, wines, or beer by the  
 248 drink for consumption on premises, sales by the package only  
 249 shall continue.

250 Section 6. (1) The Legislature declares that it would not  
 251 have enacted individually the amendments to ss. 565.03 and  
 252 561.14, Florida Statutes, and expressly finds the amendments to



CS/CS/HB 347, Engrossed 1

2013

253 those provisions not to be severable. If a court of competent  
254 jurisdiction determines any provision of those sections as  
255 amended by this act to be in conflict with any law of this  
256 state, a federal law or regulation, the State Constitution, or  
257 the United States Constitution, or to be otherwise invalid for  
258 any reason, it is the intent of the Legislature that the  
259 amendments to ss. 565.03 and 561.14, Florida Statutes, shall be  
260 void, that such invalidity shall void only those changes made by  
261 this act to ss. 565.03 and 561.14, Florida Statutes, and that no  
262 other law be affected.

263 (2) If a provision of s. 567.01, s. 567.06, s. or 567.07,  
264 Florida Statutes, as amended by this act, or if the application  
265 of those sections as amended by this act to any person or  
266 circumstance is held invalid, the invalidity does not affect  
267 other provisions or applications of the act which can be given  
268 effect without the invalid provision or application, and to this  
269 end the amendments to ss. 567.01, 567.06, and 567.07, Florida  
270 Statutes, are severable.

271 Section 7. This act shall take effect July 1, 2013.