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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2013	.	
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The Committee on Regulated Industries (Thrasher) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

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

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



141414

13 spirits on its premises and that has notified the division in  
14 writing of its status as a craft distillery.

15 (b) "Distillery" means a manufacturer of distilled spirits.

16 (2)(1)(a) A distillery ~~Each liquor manufacturer authorized~~  
17 ~~to do business~~ under the Beverage Law to distill, rectify, or  
18 blend spirituous liquors shall pay an annual state license tax  
19 of \$4,000 for each plant or branch operating ~~he or she operates~~  
20 ~~in the state, as follows:~~

21 ~~1. If engaged in the business of distilling spirituous~~  
22 ~~liquors and nothing else, a state license tax of \$4,000.~~

23 ~~2. If engaged in the business of rectifying and blending~~  
24 ~~spirituous liquors and nothing else, a state license tax of~~  
25 ~~\$4,000.~~

26 ~~(b) Persons licensed hereunder in the business of~~  
27 ~~distilling spirituous liquors may also engage in the business of~~  
28 ~~rectifying and blending spirituous liquors without the payment~~  
29 ~~of an additional license tax.~~

30 (3) A craft distillery licensed under this section may sell  
31 spirits distilled on its premises in this state to consumers in  
32 factory-sealed containers that are filled at the distillery for  
33 consumption at its souvenir gift shop. Such sales are authorized  
34 only on private property contiguous to the licensed distillery  
35 premises in this state and included on the sketch or diagram  
36 defining the licensed premises which has been submitted with the  
37 distillery's license application. All sketch or diagram  
38 revisions by the distillery require the division's approval.  
39 Before approval, the division shall verify that the souvenir  
40 gift shop operated by the licensed distillery is owned or leased  
41 by the distillery and is on property contiguous to the



141414

42 distillery's production building in this state.

43 (a) A craft distillery or licensed distillery may not sell  
44 any factory-sealed individual containers of spirits except in a  
45 face-to-face sales transaction on the distillery's premises in  
46 this state with a consumer who purchases no more than two  
47 individual containers that comply with container limits in s.  
48 565.10, for the consumer's personal use and not for resale.

49 (b) A craft distillery may not ship, arrange to ship, or  
50 deliver any of its distilled spirits to consumers within this  
51 state except in a face-to-face transaction on the distillery's  
52 premises. However, a craft distillery may ship, arrange to ship,  
53 or deliver such spirits to manufacturers of distilled spirits,  
54 wholesale distributors of distilled spirits, state or federal  
55 bonded warehouses, and exporters.

56 (c) Except as provided in paragraph (d), it is unlawful to  
57 transfer a distillery license for a distillery that produces  
58 75,000 gallons or fewer per calendar year of distilled spirits  
59 on its premises, or to transfer an ownership interest in such  
60 license, to an individual or entity that has any direct or  
61 indirect ownership interest in a distillery licensed by this  
62 state, another state, a territory, the United States government,  
63 or another country to manufacture, blend, or rectify distilled  
64 spirits for beverage purposes.

65 (d) A craft distillery may not have its ownership  
66 affiliated with another distillery unless such distillery  
67 produces 75,000 gallons or fewer of distilled spirits on its  
68 premises per calendar year.

69 (e) A craft distillery must report to the division within 5  
70 days after it reaches the production limitations provided in



141414

71 paragraph (1) (a). Any sale to a consumer at the craft  
72 distillery's licensed premises is prohibited beginning on the  
73 day after the craft distillery reaches the production limitation  
74 for the year. A craft distillery that sells spirits under this  
75 subsection shall submit any beverages excise taxes under the  
76 Beverage Law in its monthly report to the division with any tax  
77 payments due to the state.

78 (4) ~~(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 (5) ~~(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 (6) The division may adopt rules to administer this  
98 section.

99 Section 2. Subsection (1) of section 561.14, Florida



100 Statutes, is amended to read:

101       561.14 License and registration classification.—Licenses  
102 and registrations referred to in the Beverage Law shall be  
103 classified as follows:

104       (1) Manufacturers licensed to manufacture alcoholic  
105 beverages and distribute the same at wholesale to licensed  
106 distributors and to no one else within the state, unless  
107 authorized by statute. Persons engaged in the business of  
108 distilling, rectifying, or blending spirituous liquors licensed  
109 under s. 565.03(2) ~~565.03(1)(a)1. and (b)~~ shall sell and  
110 distribute such beverages at wholesale only to other  
111 manufacturers and to licensed distributors and to no one else  
112 within this state.

113       Section 3. The Legislature declares that it would not have  
114 individually enacted any of the provisions of this act and  
115 expressly finds the provisions not to be severable. If a court  
116 of competent jurisdiction determines any provision of this act  
117 to be in conflict with any law of this state, a federal law or  
118 regulation, the State Constitution, or the United States  
119 Constitution, or to be otherwise invalid for any reason, it is  
120 the intent of the Legislature that all of the provisions of this  
121 act be void, that such invalidity void only the changes made by  
122 this act, and that no other law be affected.

123       Section 4. This act shall take effect July 1, 2013.

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

126 And the title is amended as follows:

127       Delete everything before the enacting clause  
128 and insert:



141414

129                   A bill to be entitled  
130           An act relating to distilled spirits; amending s.  
131           565.03, F.S.; providing definitions; revising  
132           provisions regarding a state license tax involved with  
133           the operation of distilleries; providing requirements  
134           for craft distilleries under certain conditions;  
135           prohibiting the shipment of certain distilled spirits;  
136           restricting license transferability and ownership  
137           affiliation; providing reporting requirements;  
138           providing requirements relating to the payment of  
139           taxes; providing for the adoption of rules; amending  
140           s. 561.14, F.S.; conforming a cross-reference;  
141           declaring that the provisions of this act are not  
142           severable; providing an effective date.