

By Senator Hays

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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 of  
21           distilled spirits, brokers, sales agents, and importers of  
22           alcoholic beverages; vendor licenses and fees; craft  
23           distilleries.—

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

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

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

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

34           1. If engaged in the business of manufacturing, rectifying,  
35 blending, or processing distilled spirits ~~distilling spirituous~~  
36 ~~liquors and nothing else~~, a state license tax of \$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 sell  
45 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  
57 distillery or licensed distillery may not sell any distilled  
58 spirits except in face-to-face sales transactions with consumers

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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

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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 and  
104 transferring its distilled spirits in compliance with federal  
105 and state alcoholic beverage laws and administrative rules to  
106 any vendor's licensed premises on property contiguous to the  
107 distillery and owned or leased by the distillery or to its  
108 retail alcoholic beverage sales locations authorized under  
109 paragraph (2) (c). Notwithstanding s. 561.14, any licensed  
110 distillery licensed as a vendor and operating at a premises  
111 under paragraph (2) (c) or paragraph (5) (a) may purchase or  
112 acquire alcoholic beverage products produced at a licensed  
113 distillery in this state directly from the distillery. Each  
114 distillery transporting its distilled spirits to its licensed  
115 retail premises or making sales under paragraphs (2) (c) and  
116 (5) (a) is responsible for submitting any beverages excise taxes

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117 under the Beverage Law in its monthly report to the division  
118 with any tax payments due to the state.

119 (6) The division may adopt rules to administer this  
120 section.

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