

By Senator Hays

11-00533B-13

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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.