

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Steube offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) of section 562.111, Florida
 8 Statutes, is amended to read:

9 562.111 Possession of alcoholic beverages by persons under
 10 age 21 prohibited.—

11 (1) It is unlawful for any person under the age of 21
 12 years, except a person employed under the provisions of s.
 13 562.13 acting in the scope of her or his employment, to have in
 14 her or his possession alcoholic beverages, except that nothing
 15 contained in this subsection shall preclude the employment of
 16 any person 18 years of age or older in the sale, preparation, or
 17 service of alcoholic beverages in licensed premises in any

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18 establishment licensed by the Division of Alcoholic Beverages
19 and Tobacco or the Division of Hotels and Restaurants except as
20 otherwise provided in s. 565.04. Notwithstanding the provisions
21 of s. 562.45, any person under the age of 21 who is convicted of
22 a violation of this subsection is guilty of a misdemeanor of the
23 second degree, punishable as provided in s. 775.082 or s.
24 775.083; however, any person under the age of 21 who has been
25 convicted of a violation of this subsection and who is
26 thereafter convicted of a further violation of this subsection
27 is, upon conviction of the further offense, guilty of a
28 misdemeanor of the first degree, punishable as provided in s.
29 775.082 or s. 775.083.

30 Section 2. Subsection (11) of section 565.02, Florida
31 Statutes, is amended to read:

32 565.02 License fees; vendors; clubs; caterers; and
33 others.—

34 (11) The John and Mable Ringling Museum of Art direct-
35 support organization or a museum that has been in continuous
36 existence for at least 10 years may obtain a license upon the
37 payment of an annual license tax of \$400. For the purposes of
38 this subsection, the term "museum" means an incorporated public
39 or private not-for-profit agency or institution located in
40 Florida and organized on a permanent basis for primarily
41 educational, scientific, or aesthetic purposes, which owns or
42 utilizes tangible objects, cares for them, and exhibits them to
43 the public on a regular basis. Such license shall permit sales

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44 for consumption on the premises of the museum in conjunction
45 with artistic, educational, cultural, civic, or charitable
46 events held on the premises of the museum under the auspices or
47 authorization of the licensee. The issuing of a license under
48 this subsection is not subject to any quota or limitation,
49 except that the license shall be issued only to the museum
50 corporation or its direct-support organization of the museum or
51 its designee. Except as otherwise provided in this subsection,
52 the entity licensed hereunder shall be treated as a vendor
53 licensed to sell by the drink the beverages mentioned herein and
54 shall be subject to all provisions relating to such vendors.

55 Section 3. Subsections (1) and (2) of section 565.03,
56 Florida Statutes, are amended, and subsection (6) is added to
57 that section, to read:

58 565.03 License fees; manufacturers, distributors, brokers,
59 sales agents, and importers of alcoholic beverages; vendor
60 licenses and fees; craft distilleries.—

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

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

66 (b) "Distillery" means a manufacturer that distills ethyl
67 alcohol or ethanol to create ~~of~~ distilled spirits.

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68 (2) (a) A distillery authorized to do business under the
69 Beverage Law shall pay an annual state license tax for each
70 plant or branch operating in the state, as follows:

71 1. If engaged in the business of manufacturing distilled
72 spirits, a state license tax of \$4,000.

73 2. If engaged in the business of rectifying and blending
74 spirituous liquors and nothing else, a state license tax of
75 \$4,000.

76 (b) Persons licensed under this section who are in the
77 business of distilling spirituous liquors may also engage in the
78 business of rectifying and blending spirituous liquors without
79 the payment of an additional license tax.

80 (c) A craft distillery licensed under this section may
81 sell to consumers, at its souvenir gift shop, spirits distilled
82 on its premises in this state in factory-sealed containers that
83 are filled at the distillery for off-premises consumption. Such
84 sales are authorized only on private property contiguous to the
85 licensed distillery premises in this state and included on the
86 sketch or diagram defining the licensed premises submitted with
87 the distillery's license application. All sketch or diagram
88 revisions by the distillery shall require the division's
89 approval verifying that the souvenir gift shop location operated
90 by the licensed distillery is owned or leased by the distillery
91 and on property contiguous to the distillery's production
92 building in this state. A craft distillery or licensed
93 distillery may not sell any factory-sealed individual containers

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94 of spirits except in face-to-face sales transactions with
95 consumers who are making a purchase of ~~two or fewer~~ individual
96 containers, that comply with the container limits in s. 565.10,
97 ~~per calendar year~~ for the consumer's personal use and not for
98 resale and who are present at the distillery's licensed premises
99 in this state.

100 1. A craft distillery must report to the division within 5
101 days after it reaches the production limitations provided in
102 paragraph (1)(a). Any retail sales to consumers at the craft
103 distillery's licensed premises are prohibited beginning the day
104 after it reaches the production limitation.

105 2. A craft distillery may only ship, arrange to ship, or
106 deliver any of its distilled spirits to consumers within the
107 state in a face-to-face transaction at the distillery property.
108 However, a craft distiller licensed under this section may ship,
109 arrange to ship, or deliver such spirits to manufacturers of
110 distilled spirits, wholesale distributors of distilled spirits,
111 state or federal bonded warehouses, and exporters.

112 3. Except as provided in subparagraph 4., it is unlawful
113 to transfer a distillery license for a distillery that produces
114 75,000 or fewer gallons per calendar year of distilled spirits
115 on its premises or any ownership interest in such license to an
116 individual or entity that has a direct or indirect ownership
117 interest in any distillery licensed in this state; another
118 state, territory, or country; or by the United States government

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119 to manufacture, blend, or rectify distilled spirits for beverage
120 purposes.

121 4. A craft distillery shall not have its ownership
122 affiliated with another distillery, unless such distillery
123 produces 75,000 or fewer gallons per calendar year of distilled
124 spirits on of its premises.

125 (6) Upon the request of a craft distillery licensed in this
126 state, the Department of Transportation shall install
127 directional signs for the craft distillery on the rights-of-way
128 of interstate highways and primary and secondary roads in
129 accordance with Florida's Highway Guide Sign Program as provided
130 in chapter 14-51, Florida Administrative Code. A craft
131 distillery licensed in this state that requests placement of a
132 directional sign through the department's permit process shall
133 pay all associated costs.

134 Section 4. Section 565.04, Florida Statutes, is amended to
135 read:

136 565.04 Package store regulations and fees ~~restrictions.~~-

137 (1) The term "liquor package store," as used in this
138 section, means any vendor licensed under s. 565.02(1)(a).

139 (2) The division is authorized to issue a liquor package
140 store license to as follows:

141 (a) A Type A liquor package store license may be issued to
142 a vendor with a premises that has no openings permitting direct
143 access to any other building or room, except to a private office
144 or storage room of the place of business from which patrons are

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145 ~~excluded. Such liquor package stores Vendors licensed under s.~~
146 ~~565.02(1)(a) shall not in the licensed premises said place of~~
147 ~~business sell, offer, or expose for sale any merchandise other~~
148 ~~than such beverages, and such liquor package stores places of~~
149 ~~business shall be devoted exclusively to such sales; provided,~~
150 ~~however, that such vendors shall be permitted to sell bitters,~~
151 ~~grenadine, nonalcoholic mixer-type beverages (not to include~~
152 ~~fruit juices produced outside this state), fruit juices produced~~
153 ~~in this state, home bar, and party supplies and equipment~~
154 ~~(including but not limited to glassware and party-type foods),~~
155 ~~miniatures of no alcoholic content, and tobacco products. Such~~
156 ~~places of business shall have no openings permitting direct~~
157 ~~access to any other building or room, except to a private office~~
158 ~~or storage room of the place of business from which patrons are~~
159 ~~excluded.~~

160 (b) A Type B liquor package store license may be issued to
161 a vendor that is permitted to sell, offer, or expose for sale
162 non-alcoholic merchandise and is not subject to limitation on
163 access to any other building or room, subject to the following
164 conditions:

165 1. The liquor package store shall have a separate area in
166 which distilled spirits are sold, offered, or exposed for sale
167 separate from all other non-alcoholic merchandise except
168 alcoholic mixer-type beverages intended for sale to patrons.
169 The licensed premises shall include the entire place of
170 business, including the separate area in which distilled spirits

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171 are sold, offered, or exposed for sale. The separate area shall
172 be included in any sketches provided with the application for
173 licensure and shall be approved by the division prior to the
174 license being issued.

175 2. The separate area must have one entry-exit opening or
176 doorway through which the patrons may travel in order to gain
177 access to or to exit the separate area. The entry-exit must pass
178 directly by a cashier and be physically monitored at all times
179 by an employee either using electronic video monitoring cameras
180 or positioned physically within the line of sight of the
181 separate area's entry-exit.

182 3. The separate area may consist of three walls, three
183 shelves that are completely enclosed from the back and sides to
184 prevent access to distilled spirits by patrons not physically
185 inside the separate area, or any combination of walls and
186 shelves designed to ensure patrons do not have access to
187 distilled spirits from outside of the separate area. The fourth
188 side of the separate area shall consist of the entry-exit and
189 checkout station between the separate area and the remainder of
190 the vendor's licensed premises.

191 4. The manner in which the distilled spirits are sold,
192 offered, or exposed for sale in the separate area must ensure
193 that patrons cannot access the product without entering the
194 separate area within the line of sight of the employee.

195 5. Checkout stations in the licensed premises shall be
196 included in the separate area as well as elsewhere in the

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197 licensed premises, and shall be included on the licensed
198 premises sketches. The sale of any distilled spirits must be
199 completed at a checkout station located in the separate area.
200 The distilled spirits may not be carried outside of the separate
201 area through the remainder of the licensed premises prior to
202 purchase or paid for at any other checkout station outside of
203 the separate area on the licensed premises. Any distilled
204 spirits purchased in the separate area must be packaged upon
205 sale in a manner that indicates it was paid for prior to the
206 patron leaving the separate area.

207 6. Patrons may purchase any merchandise from elsewhere
208 within the licensed premises at the checkout station in the
209 separate area.

210 7. Any liquor package store that meets the requirements of
211 this section shall not be prohibited from having distilled
212 spirits stored or transported in any area of the licensed
213 premises where such beverages are secured.

214 8. During any period of time that distilled spirits may not
215 be sold pursuant to a statute, or local or municipal ordinance,
216 the liquor package store shall close off or otherwise make the
217 separate area inaccessible to patrons.

218 9. The employment exception in s. 562.13(2)(c) shall apply
219 to any place of business selling prescription medications or
220 groceries which has been issued a Type B liquor package store
221 license provided no person under 21 years of age shall sell any
222 distilled spirits directly to any patron.

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- 223 (3) All liquor package stores shall:
- 224 (a) Meet all of the standards in the state's Responsible
- 225 Vendor Act related to reducing access of alcoholic beverages to
- 226 persons under 21 years of age.
- 227 (b) Prohibit sales of distilled spirits beverages from any
- 228 type of patron self-checkout station.
- 229 (c) Verify the age of all patrons before completing any
- 230 sale of alcoholic beverages.
- 231 (d) Ensure the sale of any distilled spirits at a checkout
- 232 station is completed by a cashier or other employee 21 years of
- 233 age or older. No person under 21 years of age shall sell any
- 234 distilled spirits directly to any patron in any liquor package
- 235 store.
- 236 (4) Any licensee may change its liquor package store's
- 237 licensed premises diagram by filing an amended sketch or
- 238 permanent extension application with the division and approval
- 239 by the division of such premises modifications.
- 240 (5) A Type A liquor package store license shall pay an
- 241 annual license fee pursuant to s. 565.02. A Type B liquor
- 242 package store license shall pay both the annual license fee
- 243 pursuant to s. 565.02 and a supplemental annual license fee as
- 244 follows:
- 245 (a) Vendors operating places of business in counties having
- 246 a population of over 100,000, according to the latest population
- 247 estimate prepared pursuant to s. 186.901, for such county, shall
- 248 pay \$392.

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249 (b) Vendors operating places of business in counties having
250 a population of over 75,000 and not over 100,000, according to
251 the latest population estimate prepared pursuant to s. 186.901,
252 for such county, shall pay \$336.

253 (c) Vendors operating places of business in counties having
254 a population of over 50,000 and less than 75,000, according to
255 the latest population estimate prepared pursuant to s. 186.901,
256 for such county, shall pay \$280.

257 (d) Vendors operating places of business in counties having
258 a population of over 25,000 and less than 50,000, according to
259 the latest population estimate prepared pursuant to s. 186.901,
260 for such county, shall pay \$224.

261 (e) Vendors operating places of business in counties having
262 a population of less than 25,000, according to the latest
263 population estimate prepared pursuant to s. 186.901, for such
264 county, shall pay \$168.

265 Section 5. This act shall take effect July 1, 2015.

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267
268 **T I T L E A M E N D M E N T**

269 Remove everything before the enacting clause and insert:

270 A bill to be entitled

271 An act relating to alcoholic beverages; amending s. 562.111,
272 F.S.; conforming provisions; amending s. 565.02, F.S.; creating
273 an alcoholic beverages license for museums; amending s. 565.03,
274 F.S.; revising the definition of the term "distillery"; deleting

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 107 (2015)

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275 restrictions on the sale of individual containers to consumers
276 in a face-to-face transaction; requiring the Department of
277 Transportation to install certain directional signs at specified
278 locations upon the request of a craft distillery licensed in
279 this state; requiring the requesting craft distillery to pay 15
280 specified costs; amending s. 565.04, F.S.; allowing the sale by
281 certain licensed alcoholic beverage vendors of merchandise other
282 than specifically authorized types of merchandise and removing
283 restrictions on direct access to such a vendor's place of
284 business upon payment of an additional license fee; providing an
285 effective date.