

1 A bill to be entitled
2 An act relating to alcoholic beverages; amending s.
3 561.221, F.S.; providing that the ownership,
4 management, operation, or control of up to three
5 vendor's licenses for the sale of alcoholic beverages
6 by a certified Florida Craft Distillery is not
7 prohibited under specified laws; requiring the
8 Division of Alcoholic Beverages and Tobacco to issue
9 permits to certified Florida Craft Distilleries to
10 conduct certain tastings and sales; requiring such
11 distilleries to pay entry fees and have a
12 representative present during certain events;
13 authorizing the transfer of wine and distilled spirits
14 to vendors by specified wineries and distilleries
15 under certain circumstances; requiring the division to
16 approve certain storage areas; requiring wineries and
17 distilleries to report all such transfers to the
18 division and to include them in monthly excise tax
19 payments; amending s. 565.03, F.S.; revising the
20 definition of the term "craft distillery"; requiring a
21 license tax for craft distilleries; specifying
22 authorized products for sale by craft distilleries;
23 providing limitations on retail sales by craft
24 distilleries to consumers; authorizing craft
25 distilleries to transfer distilled spirits under

26 certain conditions; requiring the division to approve
 27 certain storage areas; requiring distilleries to
 28 report specified transfers to the division and to
 29 include them in monthly excise tax payments; deleting
 30 certain prohibitions on the transfer of a distillery
 31 license and affiliated ownership; authorizing craft
 32 distilleries to apply for a sales room location under
 33 certain circumstances; amending s. 565.17, F.S.;

34 authorizing craft distilleries to conduct tastings
 35 under certain circumstances; providing an effective
 36 date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Subsection (1) of section 561.221, Florida
 41 Statutes, is amended to read:

42 561.221 Licensing of manufacturers and distributors as
 43 vendors and of vendors as manufacturers; conditions and
 44 limitations.—

45 (1) (a) Nothing contained in s. 561.22, s. 561.42, or any
 46 other provision of the Beverage Law prohibits the ownership,
 47 management, operation, or control of not more than three
 48 vendor's licenses for the sale of alcoholic beverages by a
 49 manufacturer of wine or a certified Florida Craft Distillery ~~who~~
 50 ~~is~~ licensed and engaged in the manufacture of wine or distilled

51 spirits in this state, even if such manufacturer is also
52 licensed as a distributor; provided that ~~no~~ such vendor's
53 license is not ~~shall be~~ owned, managed, operated, or controlled
54 by any licensed manufacturer of wine or any craft distillery
55 unless the licensed premises of the vendor are situated on
56 property contiguous to the manufacturing premises of the
57 licensed manufacturer of wine or distilled spirits or in its
58 sales room pursuant to s. 565.03.

59 (b) The Division of Alcoholic Beverages and Tobacco shall
60 issue permits to a certified Florida Farm Winery or a certified
61 Florida Craft Distillery to conduct tasting and sales of wine or
62 distilled spirits produced by certified Florida Farm Wineries or
63 certified Florida Craft Distilleries at Florida fairs, trade
64 shows, expositions, and festivals. The certified Florida Farm
65 Winery or certified Florida Craft Distillery shall pay all entry
66 fees and shall have a winery or distillery representative
67 present during the event. The permit is limited to the length of
68 the event.

69 (c) A certified Florida Farm Winery or certified Florida
70 Craft Distillery may transfer wine or distilled spirits produced
71 at such winery or distillery, respectively, out of its federal
72 bonded space or nonbonded space at its licensed premises or
73 storage areas to its vendor's licensed premises or approved
74 sales room. The division shall approve the storage areas,
75 provided that each area is included in the winery's or

76 | distillery's current state bond. All such transfers of wine or
 77 | distilled spirits shall be reported to the division pursuant to
 78 | s. 561.55 and included in the winery's or distillery's excise
 79 | tax payment to the state each month.

80 | Section 2. Paragraph (b) of subsection (1) and paragraphs
 81 | (a) and (c) of subsection (2) of section 565.03, Florida
 82 | Statutes, are amended to read:

83 | 565.03 License fees; manufacturers, distributors, brokers,
 84 | sales agents, and importers of alcoholic beverages; vendor
 85 | licenses and fees; craft distilleries.-

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

87 | (b) "Craft distillery" means a licensed distillery that
 88 | produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
 89 | distilled spirits on its premises and is certified by ~~has~~
 90 | ~~notified~~ the division upon notification in writing of its
 91 | decision to qualify as a craft distillery.

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

95 | 1. If engaged in the business of manufacturing distilled
 96 | spirits, a state license tax of \$4,000. For a craft distillery
 97 | manufacturing distilled spirits, a state license tax of \$1,000,
 98 | provided the craft distillery is distilling and bottling all of
 99 | its distilled products in factory-sealed containers approved for
 100 | sale.

101 2. If engaged in the business of rectifying and blending
 102 spirituous liquors and nothing else, a state license tax of
 103 \$4,000.

104 (c) A craft distillery licensed under this section may
 105 sell to consumers, at its souvenir gift shop, branded products
 106 distilled and bottled on its premises in this state in factory-
 107 sealed containers approved for sale ~~that are filled at the~~
 108 ~~distillery~~ for off-premises consumption. Such sales are
 109 authorized only on ~~private~~ property owned or leased by the
 110 distillery which is contiguous to the licensed distillery
 111 premises and at one other approved sales room located in the
 112 same county as the distillery's production building which shall
 113 be an extension of the craft distillery's licensed premises ~~in~~
 114 ~~this state~~ and included on the sketch or diagram defining the
 115 licensed premises submitted with the distillery's license
 116 application. All sketch or diagram revisions by the distillery
 117 shall require local zoning approval and the division's approval
 118 verifying that the souvenir gift shop location and all areas
 119 used and operated by the licensed distillery are ~~is~~ owned or
 120 leased by the distillery and on property contiguous to the
 121 distillery's production building in this state or within the
 122 extended licensed premises.

123 1. A craft distillery licensed under this section may not
 124 sell any factory-sealed individual containers of spirits except
 125 in face-to-face sales transactions at the craft distillery's

126 | licensed premises with consumers who are making a purchase ~~of no~~
127 | ~~more than:~~

128 | ~~a. Two individual containers of each branded product;~~

129 | ~~b. Three individual containers of a single branded product~~
130 | ~~and up to one individual container of a second branded product;~~

131 | ~~or~~

132 | ~~e. Four individual containers of a single branded product.~~

133 | 2. Each container sold in face-to-face transactions with
134 | consumers must comply with the container limits in s. 565.10~~7~~
135 | ~~per calendar year for the consumer's personal use and not for~~
136 | ~~resale and who are present at the distillery's licensed premises~~
137 | ~~in this state.~~

138 | 3. A craft distillery licensed under this section must
139 | report to the division within 5 days after it reaches the
140 | production limitations provided in paragraph (1)(b). Any retail
141 | sales to consumers at the craft distillery's licensed premises
142 | are prohibited beginning the day after it reaches the production
143 | limitation unless it has been issued a vendor's license at each
144 | craft distillery and additional sales room authorized in s.
145 | 561.221.

146 | 4. A craft distillery licensed under this section may not
147 | ship or arrange to ship any of its distilled spirits to
148 | consumers and may sell and deliver only to consumers within the
149 | state in a face-to-face transaction at the distillery property.
150 | However, a craft distillery ~~distiller~~ licensed under this

151 section may ship, arrange to ship, or deliver such spirits to
152 manufacturers of distilled spirits, wholesale distributors of
153 distilled spirits, state or federal bonded warehouses, and
154 exporters.

155 5. A craft distillery may transfer distilled spirits it
156 manufactures from its federal bonded space or nonbonded space at
157 its licensed premises or storage areas to its souvenir gift shop
158 and additional sales room. The division shall approve all
159 storage areas requested by the craft distillery which are
160 included in its current state bond. All such transfers of
161 distilled spirits shall be reported to the division pursuant to
162 s. 561.55 and included in the excise tax payment due the state
163 ~~Except as provided in subparagraph 6., it is unlawful to~~
164 ~~transfer a distillery license for a distillery that produces~~
165 ~~75,000 or fewer gallons per calendar year of distilled spirits~~
166 ~~on its premises or any ownership interest in such license to an~~
167 ~~individual or entity that has a direct or indirect ownership~~
168 ~~interest in any distillery licensed in this state; another~~
169 ~~state, territory, or country; or by the United States government~~
170 ~~to manufacture, blend, or rectify distilled spirits for beverage~~
171 ~~purposes.~~

172 6. A craft distillery may include a sales room location
173 authorized by this subsection on its original license
174 application or by an amendment to its license application on
175 forms prescribed by the division shall not have its ownership

176 | ~~affiliated with another distillery, unless such distillery~~
177 | ~~produces 75,000 or fewer gallons per calendar year of distilled~~
178 | ~~spirits on each of its premises in this state or in another~~
179 | ~~state, territory, or country.~~

180 | Section 3. Section 565.17, Florida Statutes, is amended to
181 | read:

182 | 565.17 Beverage tastings by distributors and vendors.—A
183 | licensed distributor of spirituous beverages, or any vendor or
184 | craft distillery, is authorized to conduct spirituous beverage
185 | tastings upon any licensed premises authorized to sell
186 | spirituous beverages by package or for consumption on premises
187 | without being in violation of s. 561.42, provided that the
188 | conduct of the spirituous beverage tasting shall be limited to
189 | and directed toward the general public of the age of legal
190 | consumption.

191 | Section 4. This act shall take effect upon becoming a law.
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