



245388

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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05/05/2017 03:46 PM

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Senator Hutson moved the following:

1 **Senate Amendment to House Amendment (360349) (with title**
2 **amendment)**

3
4 Delete lines 5 - 130

5 and insert:

6 Section 1. Section 561.14, Florida Statutes, is amended to
7 read:

8 561.14 License and registration classification.—Licenses
9 and registrations referred to in the Beverage Law shall be
10 classified as follows:

11 (1) Manufacturers licensed to manufacture alcoholic



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12 beverages and distribute the same at wholesale ~~to licensed~~
13 ~~distributors and to no one else within the state, unless~~
14 ~~authorized by statute.~~ Persons engaged in the business of
15 distilling, rectifying, or blending spirituous liquors licensed
16 under s. 565.03(2) shall sell and distribute such beverages at
17 wholesale ~~only to other manufacturers and to licensed~~
18 ~~distributors and to no one else within this state.~~

19 (2) Distributors licensed to sell and distribute alcoholic
20 beverages at wholesale ~~to persons who are licensed to sell~~
21 ~~alcoholic beverages.~~

22 (3) Vendors licensed to sell alcoholic beverages at retail
23 only. ~~No vendor shall purchase or acquire in any manner for the~~
24 ~~purpose of resale any alcoholic beverages from any person not~~
25 ~~licensed as a vendor, manufacturer, bottler, or distributor~~
26 ~~under the Beverage Law. Purchases of alcoholic beverages by~~
27 ~~vendors from vendors shall be strictly limited to purchases~~
28 ~~between members of a pool buying group for which the initial~~
29 ~~purchase of the alcoholic beverages was ordered by a pool buying~~
30 ~~agent as a single transaction. No vendor shall be a member of~~
31 ~~more than one cooperative or pool buying group at any time. No~~
32 ~~vendor shall import, or engage in the importation of, any~~
33 ~~alcoholic beverages from places beyond the limits of the state.~~

34 (4) Brokers or sales agents, whether resident or
35 nonresident, licensed to sell, or to cause to be sold, shipped,
36 and invoiced, alcoholic beverages to licensed manufacturers or
37 licensed distributors, and to no one else, in this state. Such
38 licensed brokers or sales agents, except as relates to malt
39 beverages, only shall represent one or more primary American
40 sources of supply, registered as such with the division, and may



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41 be compensated on a commission or remuneration basis and shall
42 have no direct or indirect affiliation with any vendor licensed
43 in this state. This license classification does not include
44 manufacturers' representatives who are registered with the
45 division under the provisions of ss. 564.045(1) and (2) and
46 565.095(1) and (2).

47 (5) Importers, whether resident or nonresident, licensed to
48 sell, or to cause to be sold, shipped, and invoiced, alcoholic
49 beverages to licensed manufacturers or licensed distributors,
50 and to no one else, in this state; provided that the provisions
51 of ss. 564.045 and 565.095 are in no way violated by such
52 imports. ~~Such licensed importers shall have no direct or~~
53 ~~indirect affiliation with any vendor licensed in this state.~~ The
54 holder of an importer's license shall be considered as having
55 complied with the licensing requirements of a broker or sales
56 agent. This license classification does not include
57 manufacturers' representatives who are registered with the
58 division under the provisions of ss. 564.045(1) and (2) and
59 565.095(1) and (2).

60 (6) Bottle clubs. It is the finding of the Legislature that
61 bottle clubs are susceptible to a distinct and separate
62 classification under the Beverage Law for purposes of regulating
63 establishments permitting the consumption of alcoholic
64 beverages. Any person operating a bottle club must be licensed
65 pursuant to this chapter and may not hold any other alcoholic
66 beverage license for such premises while licensed as a bottle
67 club. Nothing in this subsection shall be construed to permit
68 the purchase at wholesale or retail of alcoholic beverages for
69 supplying or reselling to the patrons pursuant to a license



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70 issued under this chapter. Any such business shall be subject to
71 all general, special, and local laws regulating vendors of
72 alcoholic beverages. Bottle club licenses shall be issued at a
73 fee of \$500 annually and shall be renewed in accordance with the
74 schedule set out in ss. 561.26 and 561.27. This subsection shall
75 include bottle clubs in existence on January 1, 1991. The
76 Division of Alcoholic Beverages and Tobacco is hereby authorized
77 to adopt rules to carry out the purposes of this section.

78 (7) Exporters registered to sell alcoholic beverages.

79 Section 2. Section 561.221, Florida Statutes, is repealed.

80 Section 3. Section 561.24, Florida Statutes, is amended to
81 read:

82 561.24 Licensing manufacturers as distributors or
83 registered exporters prohibited; procedure for issuance and
84 renewal of distributors' licenses and exporters' registrations.—

85 ~~(1) A manufacturer, rectifier, or distiller that~~
86 ~~manufactures, rectifies, or distills spirituous liquors or wine~~
87 ~~may not be granted a license as a distributor and may not~~
88 ~~register as an exporter.~~

89 ~~(2) A manufacturer, rectifier, or distiller that~~
90 ~~manufactures, rectifies, or distills spirituous liquors or wine~~
91 ~~may not be granted a renewal of a license or registration~~
92 ~~previously held as a distributor or exporter.~~

93 ~~(3) If the applicant for a distributor's license or~~
94 ~~exporter's registration, or renewal thereof, is an individual or~~
95 ~~copartnership, such individual or copartnership is within the~~
96 ~~provisions of subsection (1) or subsection (2), as the case may~~
97 ~~be, if the individual or any member of the copartnership is~~
98 ~~interested or connected, directly or indirectly, with any~~



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99 ~~corporation which is engaged directly or indirectly or through~~
100 ~~any subsidiary or affiliate corporation, including any stock~~
101 ~~ownership as set forth in subsection (4), in manufacturing,~~
102 ~~rectifying, or distilling spirituous liquors or wine. If any~~
103 ~~individual or any member of such copartnership within 6 months~~
104 ~~next preceding the making of an application hereunder has been~~
105 ~~interested or connected as provided by this subsection, such~~
106 ~~individual or such member of the copartnership shall be prima~~
107 ~~facie presumed to be so interested or connected with such~~
108 ~~corporation at the time of the making of the application, and~~
109 ~~such prima facie presumption shall continue until overcome by~~
110 ~~the applicant.~~

111 ~~(4) If the applicant for a distributor's license or~~
112 ~~exporter's registration, or for the renewal thereof, is a~~
113 ~~corporation, such corporation is within the provisions of~~
114 ~~subsections (1) and (2), as the case may be, if such corporation~~
115 ~~is affiliated with, directly or indirectly, any other~~
116 ~~corporation which is engaged in manufacturing, rectifying, or~~
117 ~~distilling spirituous liquors or wine or if such applicant~~
118 ~~corporation is controlled by, or the majority of stock therein~~
119 ~~is owned by, another corporation, which latter corporation is~~
120 ~~engaged, directly or indirectly, in manufacturing, rectifying,~~
121 ~~or distilling spirituous liquors or wine.~~

122 ~~(5) Notwithstanding any of the provisions of the foregoing~~
123 ~~subsections, any corporation which holds a license as a~~
124 ~~distributor on June 3, 1947, shall be entitled to a renewal~~
125 ~~thereof, provided such corporation complies with all of the~~
126 ~~provisions of the Beverage Law of Florida, as amended, and of~~
127 ~~this section and establishes by satisfactory evidence to the~~



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128 ~~division that, during the 6-month period next preceding its~~
129 ~~application for such renewal, of the total volume of its sales~~
130 ~~of spirituous liquors, in either dollars or quantity, not more~~
131 ~~than 40 percent of such spirituous liquors sold by it, in either~~
132 ~~dollars or quantity, were manufactured, rectified, or distilled~~
133 ~~by any corporation with which the applicant is affiliated,~~
134 ~~directly or indirectly, including any corporation which owns or~~
135 ~~controls in any way any stock in the applicant corporation or~~
136 ~~any corporation which is a subsidiary or affiliate of the~~
137 ~~corporation so owning stock in the applicant corporation. Any~~
138 ~~manufacturer of wine holding a license as a distributor on the~~
139 ~~effective date of this act shall be entitled to a renewal of~~
140 ~~such license notwithstanding the provisions of subsections (1)-~~
141 ~~(5). This section does not apply to any winery qualifying as a~~
142 ~~certified Florida Farm Winery under s. 599.004.~~

143 (1)~~(6)~~ Any person, copartnership, or corporation applying
144 for a distributor's license ~~under the provisions of this section~~
145 shall file a written or printed application therefor with the
146 division. Such application shall be sworn to by the applicant or
147 a member of the copartnership or an officer of the corporation,
148 depending upon whether the applicant is an individual,
149 copartnership, or corporation. Forms for such applications shall
150 be provided by the division. Every such application shall set
151 forth clear and detailed information necessary and sufficient to
152 establish the right of the applicant under the provisions of
153 this section to receive a license. The information herein
154 required to be set forth shall be in addition to any information
155 required to be set forth by any other provision of applicable
156 law. Any application failing to comply fully with the provisions



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157 of this section shall be denied.

158 (2)~~(7)~~ No license of any distributor shall be renewed if
159 the license of such distributor and continuations thereof have
160 been revoked or if the qualifications of such distributor have
161 been impaired.

162 (3)~~(8)~~ Any maneuver, shift, or device by any applicant
163 whereby any provision of this section, in any manner, is sought
164 to be avoided or evaded constitutes a felony of the third
165 degree, punishable as provided in s. 775.082, s. 775.083, or s.
166 775.084.

167 Section 4. Section 561.42, Florida Statutes, is repealed.

168 Section 5. Paragraph (a) of subsection (2) of section
169 561.32, Florida Statutes, is amended to read:

170 561.32 Transfer of licenses; change of officers or
171 directors; transfer of interest.—

172 (2) (a) No person is entitled as a matter of right to a
173 transfer of a license or interest in a license to a relative or
174 to any other person or to a change of executive officers or
175 directors:

176 1. If the division has notified the licensee in writing
177 that a revocation, suspension, or administrative proceeding ~~or a~~
178 ~~proceeding under s. 561.42~~ has been or will be brought against
179 the license; or

180 2. If a licensee, executive officer, director, or person
181 holding an interest in the license or business has been
182 arrested, charged, indicted, or convicted, or has appealed the
183 conviction, of a crime which is disqualifying under the
184 alcoholic beverage laws. Any licensee, executive officer,
185 director, or person holding an interest in a license or business



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186 who is arrested, charged, indicted, or convicted, or has
187 appealed the conviction, of a crime which is disqualifying under
188 the alcoholic beverage laws is required to immediately notify
189 the division in writing of such action.

190

191 It is unlawful to transfer or attempt to transfer any license or
192 interest in a license or business or change executive officers
193 or directors contrary to the provisions of this section.

194 Section 6. Section 561.423, Florida Statutes, is amended to
195 read:

196 561.423 Beer and malt beverages; in-store servicing
197 authorized. ~~No Nothing in s. 561.42 or any other~~ provision of
198 the Beverage Law shall prohibit a distributor of beer or malt
199 beverages from providing in-store servicing of beer or malt
200 beverages. "In-store servicing" as used herein means quality
201 control procedures which include, but are not limited to:
202 rotation of malt beverages on the vendor's shelves, rotation and
203 placing of malt beverages in vendor's coolers, proper stacking
204 and maintenance of appearance and display of malt beverages on
205 vendor's shelves, price-stamping of malt beverages in vendor's
206 licensed premises, and moving or resetting any product or
207 display in order to display a distributor's own product when
208 authorized by the vendor.

209 Section 7. Subsection (2) of section 561.424, Florida
210 Statutes, is amended to read:

211 561.424 Vinous beverages; in-store servicing authorized.—

212 (2) ~~No Nothing in s. 561.42 or any other~~ provision of the
213 alcoholic beverage law shall prohibit a distributor of wine from
214 providing in-store servicing of wine sold by such distributor to



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215 a vendor. "In-store servicing" as used herein means: placing the
216 wine on the vendor's shelves and maintaining the appearance and
217 display of said wine on the vendor's shelves in the vendor's
218 licensed premises; placing the wine not so shelved or displayed
219 in a storage area designated by the vendor, which is located in
220 the vendor's licensed premises; rotation of vinous beverages;
221 and price stamping of vinous beverages in vendor's licensed
222 premises. This section shall not apply to distilled spirits.

223 Section 8. Subsection (1) of section 561.5101, Florida
224 Statutes, is amended to read:

225 561.5101 Come-to-rest requirement; exceptions; penalties.—

226 (1) For purposes of inspection and tax-revenue control, all
227 malt beverages, except those manufactured and sold by the same
228 licensee, ~~pursuant to s. 561.221(2) or (3)~~, must come to rest at
229 the licensed premises of an alcoholic beverage wholesaler in
230 this state before being sold to a vendor by the wholesaler. The
231 prohibition contained in this subsection does not apply to the
232 shipment of malt beverages commonly known as private labels. The
233 prohibition contained in this subsection shall not prevent a
234 manufacturer from shipping malt beverages for storage at a
235 bonded warehouse facility, provided that such malt beverages are
236 distributed as provided in this subsection or to an out-of-state
237 entity.

238 Section 9. Subsection (2) of section 563.02, Florida
239 Statutes, is amended to read:

240 563.02 License fees; vendors; manufacturers and
241 distributors.—

242 (2) Each manufacturer engaged in the business of brewing
243 only malt beverages shall pay an annual state license tax of



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244 \$3,000 for each plant or branch he or she may operate. However,
245 each manufacturer engaged in the business of brewing less than
246 10,000 kegs of malt beverages annually for consumption on the
247 premises ~~pursuant to s. 561.221(3)~~ shall pay an annual state
248 license tax of \$500 for each plant or branch.

249 Section 10. Paragraph (b) of subsection (14) of section
250 563.022, Florida Statutes, is amended to read:

251 563.022 Relations between beer distributors and
252 manufacturers.—

253 (14) MANUFACTURER; PROHIBITED INTERESTS.—

254 (b) Except as provided in paragraph (c), no entity or
255 person specified in paragraph (a) may have an interest in the
256 license, business, assets, or corporate stock of a licensed
257 distributor nor shall such entity sell directly to any vendor in
258 this state other than to licensed vendors ~~who are licensed~~
259 ~~pursuant to s. 561.221(2)~~.

260 Section 11. Subsection (1) and paragraph (a) of subsection
261 (7) of section 563.06, Florida Statutes, is amended to read:

262 563.06 Malt beverages; imprint on individual container;
263 size of containers; exemptions.—

264 (1) All taxable malt beverages packaged in individual
265 containers possessed by any person in the state for the purpose
266 of sale or resale in the state, except operators of railroads,
267 sleeping cars, steamships, buses, and airplanes engaged in
268 interstate commerce and licensed under this section, shall have
269 imprinted thereon in clearly legible fashion by any permanent
270 method the word "Florida" or "FL" and no other state name or
271 abbreviation of any state name in not less than 8-point type.
272 The word "Florida" or "FL" shall appear first or last, if



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273 imprinted in conjunction with any manufacturer's code. A
274 facsimile of the imprinting and its location as it will appear
275 on the individual container shall be submitted to the division
276 for approval.

277 (7) Notwithstanding any other provision of the Beverage
278 Law, a malt beverage may be packaged in a growler, which is an
279 individual container that holds 32, 64, or 128 ounces of such
280 malt beverage if it is filled at the point of sale.

281 (a) A growler may be filled or refilled by any of the
282 following:

283 1. A licensed manufacturer of malt beverages holding a
284 vendor's license ~~under s. 561.221(2)~~.

285 2. A vendor holding a quota license under s. 561.20(1) or
286 s. 565.02(1)(a) which authorizes the sale of malt beverages.

287 3. A vendor holding a license under s. 563.02(1)(b)-(f), s.
288 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
289 restricts the sale of malt beverages to sale for consumption
290 only on the premises of such vendor.

291 4. A vendor holding a license pursuant to s. 563.02(1)(a)
292 or s. 564.02(1)(a), having held that license in current, active
293 status on June 30, 2015, subject to the following requirements:

294 a. The vendor proves, to the satisfaction of the division,
295 that the vendor had draft equipment and tapping accessories
296 installed and had purchased kegs before June 30, 2015.

297 b. The growlers are filled or refilled by the vendor or the
298 vendor's employee aged 18 or older.

299 c. The taps or mechanisms used to fill or refill the
300 growlers are not accessible to customers.

301 d. The growlers meet the labeling and sealing requirements



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302 of paragraph (b).

303 e. The vendor does not permit consumption on premises,
304 including tastings or other sampling activities.

305 Section 12. Section 563.13, Florida Statutes, is amended to
306 read:

307 563.13 Florida brewery directional signs; fees.—Upon the
308 request of a licensed brewery ~~licensed under s. 561.221(2) or~~
309 (3) which produces a minimum of 2,500 barrels per year on the
310 premises, is open to the public at least 30 hours per week, and
311 is available for tours, the Department of Transportation shall
312 install directional signs for the brewery on the rights-of-way
313 of interstate highways and primary and secondary roads in
314 accordance with Florida's Highway Guide Sign Program as provided
315 in chapter 14-51, Florida Administrative Code. A brewery
316 licensed in this state which requests placement of a directional
317 sign through the department's permit process shall pay all
318 associated costs.

319 Section 13. Section 564.07, Florida Statutes, is amended to
320 read:

321 564.07 Wine lists furnished to vendors.—A distributor of
322 vinous beverages in this state may furnish, give, rent, loan, or
323 sell to a vendor, and a vendor may accept, alcoholic beverage
324 lists, commonly referred to as "wine lists," ~~without the same~~
325 ~~being a violation of s. 561.42(1).~~

326 Section 14. Section 564.08, Florida Statutes, is amended to
327 read:

328 564.08 Wine tastings by distributors and vendors.—A
329 licensed distributor of vinous beverages, or any vendor, is
330 authorized to conduct wine tastings upon any licensed premises



331 authorized to sell vinous or spirituous beverages by package or
332 for consumption on premises ~~without being in violation of s.~~
333 ~~561.42~~, provided that the conduct of the wine tasting shall be
334 limited to and directed toward the general public of the age of
335 legal consumption.

336 Section 15. Section 565.16, Florida Statutes, is amended to
337 read:

338 565.16 Beverage lists furnished to vendors.—A distributor
339 of spirituous beverages in this state may furnish, give, rent,
340 loan, or sell to a vendor, and a vendor may accept, alcoholic
341 beverage lists, otherwise referred to as "wine lists," ~~without~~
342 ~~the same being a violation of s. 561.42(1).~~

343 Section 16. Section 565.17, Florida Statutes, is amended to
344 read:

345 565.17 Beverage tastings by distributors and vendors.—A
346 licensed distributor of spirituous beverages, or any vendor, is
347 authorized to conduct spirituous beverage tastings upon any
348 licensed premises authorized to sell spirituous beverages by
349 package or for consumption on premises ~~without being in~~
350 ~~violation of s. 561.42~~, provided that the conduct of the
351 spirituous beverage tasting shall be limited to and directed
352 toward the general public of the age of legal consumption.

353 Section 17. This act shall take effect July 1, 2017.

354
355 ===== T I T L E A M E N D M E N T =====

356 And the title is amended as follows:

357 Delete lines 136 - 150

358 and insert:

359 An act relating to the Beverage Law; amending s.



360 561.14, F.S.; revising classifications for licenses
361 and registrations referred to in the Beverage Law for
362 certain manufacturers licensed to manufacture
363 alcoholic beverages and distribute the same at
364 wholesale, distributors licensed to sell and
365 distribute alcoholic beverages at wholesale, and
366 vendors licensed to sell alcoholic beverages at retail
367 only; deleting a requirement that certain licensed
368 importers shall have no direct or indirect affiliation
369 with any vendor licensed in this state; repealing s.
370 561.221, F.S., relating to licensing of manufacturers
371 and distributors as vendors and of vendors as
372 manufacturers; amending s. 561.24, F.S.; deleting
373 prohibitions specifying that a manufacturer,
374 rectifier, or distiller that manufactures, rectifies,
375 or distills spirituous liquors or wine may not be
376 granted a license as a distributor, may not register
377 as an exporter, and may not be granted a renewal of a
378 license or registration previously held as a
379 distributor or exporter; conforming provisions to
380 changes made by the act; repealing s. 561.42, F.S.,
381 relating to tied house evil; financial aid and
382 assistance to vendor by manufacturer, distributor,
383 importer, primary American source of supply, brand
384 owner or registrant, or any broker, sales agent, or
385 sales person thereof; amending ss. 561.32, 561.423,
386 561.424, 561.5101, 563.02, 563.022, 563.06, 563.13,
387 564.07, 564.08, 565.16, 565.17, F.S.; conforming
388 provisions to changes made by the act; providing an



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effective date.