

By Senator Young

18-00400A-17

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1                   A bill to be entitled  
2           An act relating to craft breweries; amending s.  
3           561.221, F.S.; exempting certain vendors from  
4           specified delivery restrictions under certain  
5           circumstances; amending s. 561.5101, F.S.; revising  
6           applicability; amending s. 561.57, F.S.; providing  
7           that certain manufacturers may transport malt  
8           beverages in vehicles owned or leased by certain  
9           persons other than the manufacturer; amending s.  
10          563.022, F.S.; conforming a provision to changes made  
11          by the act; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Paragraph (d) of subsection (2) of section  
16          561.221, Florida Statutes, is amended, paragraph (f) is added to  
17          that subsection, and paragraph (a) of subsection (3) is amended,  
18          to read:

19           561.221 Licensing of manufacturers and distributors as  
20          vendors and of vendors as manufacturers; conditions and  
21          limitations.—

22           (2)

23           (d) A manufacturer possessing a vendor's license under this  
24          subsection is not permitted to make deliveries under s.  
25          561.57(1), except as provided in paragraph (f).

26           (f) Notwithstanding any other provision of the Beverage  
27          Law, a manufacturer possessing a vendor's license under this  
28          subsection may sell, transport, and deliver to vendors, from the  
29          manufacturer's licensed premises, malt beverages that have been  
30          manufactured on its licensed premises, if the manufacturer  
31          complies with the requirements in ss. 561.42 and 561.423, as  
32          applicable, to the same extent as if the manufacturer were a

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33 distributor.

34 1. The authority provided in this section is limited to the  
 35 sale, transport, and delivery of kegs.

36 2. Any delivery under this paragraph is subject to the  
 37 provisions of s. 561.57(2) related to deliveries by licensees.

38 3. This paragraph does not apply to a manufacturer who:

39 a. Has a franchise agreement with a distributor pursuant to  
 40 s. 563.022.

41 b. Produces more than 7,000 kegs of malt beverages a year.

42 (3) (a) Notwithstanding other provisions of the Beverage  
 43 Law, any vendor licensed in this state may be licensed as a  
 44 manufacturer of malt beverages upon a finding by the division  
 45 that:

46 1. The vendor will be engaged in brewing malt beverages at  
 47 a single location and in an amount which will not exceed 10,000  
 48 kegs per year. For purposes of this section ~~subsection~~, the term  
 49 "keg" means 15.5 gallons.

50 2. The malt beverages so brewed will be sold to consumers  
 51 for consumption on the vendor's licensed premises or on  
 52 contiguous licensed premises owned by the vendor.

53 Section 2. Subsection (1) of section 561.5101, Florida  
 54 Statutes, is amended to read:

55 561.5101 Come-to-rest requirement; exceptions; penalties.-

56 (1) For purposes of inspection and tax-revenue control, all  
 57 malt beverages, except those manufactured and sold by the same  
 58 licensee, pursuant to s. 561.221(2) or (3), must come to rest at  
 59 the licensed premises of an alcoholic beverage wholesaler in  
 60 this state before being sold to a vendor by the wholesaler. The  
 61 prohibition contained in this subsection does not apply to the

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62 shipment of malt beverages commonly known as private labels. The  
63 prohibition contained in this subsection shall not prevent a  
64 manufacturer from shipping malt beverages for storage at a  
65 bonded warehouse facility, provided that such malt beverages are  
66 distributed as provided in this subsection or to an out-of-state  
67 entity. The prohibition contained in this subsection does not  
68 apply to a manufacturer delivering alcoholic beverages to a  
69 licensed vendor as provided in s. 561.221(2)(f).

70 Section 3. Subsection (2) of section 561.57, Florida  
71 Statutes, is amended to read:

72 561.57 Deliveries by licensees.—

73 (2) Deliveries made by a manufacturer, distributor, or  
74 vendor away from his or her place of business may be made only  
75 in vehicles that ~~which~~ are owned or leased by the licensee.  
76 However, a manufacturer authorized to make deliveries under s.  
77 561.221(2)(f) to the licensed premises of a vendor may transport  
78 malt beverages if the vehicle used to transport the alcoholic  
79 beverages is owned or leased by the manufacturer or any person  
80 who has been disclosed on a license application filed by the  
81 manufacturer and approved by the division. By acceptance of an  
82 alcoholic beverage license and the use of such vehicles, the  
83 licensee agrees that such vehicle shall always be subject to be  
84 inspected and searched without a search warrant, for the purpose  
85 of ascertaining that all provisions of the alcoholic beverage  
86 laws are complied with, by authorized employees of the division  
87 and also by sheriffs, deputy sheriffs, and police officers  
88 during business hours or other times the vehicle is being used  
89 to transport or deliver alcoholic beverages.

90 Section 4. Paragraph (d) of subsection (14) of section

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91 563.022, Florida Statutes, is amended to read:

92 563.022 Relations between beer distributors and  
93 manufacturers.—

94 (14) MANUFACTURER; PROHIBITED INTERESTS.—

95 (d) Nothing in the Beverage Law shall be construed to  
96 prohibit a manufacturer from shipping products to or between its  
97 breweries, or between its breweries and the licensed premises of  
98 a vendor as provided in s. 561.221(2)(f), without a  
99 distributor's license.

100 Section 5. This act shall take effect July 1, 2017.