

By the Committee on Regulated Industries; and Senators Young and Latvala

580-01967-17

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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; providing applicability; amending s.  
6 561.5101, F.S.; revising applicability; amending s.  
7 561.57, F.S.; providing that certain manufacturers may  
8 transport malt beverages in vehicles owned or leased  
9 by certain persons other than the manufacturers;  
10 amending s. 563.022, F.S.; conforming a provision to  
11 changes made 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) of that  
18 section is amended, 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

580-01967-17

2017554c1

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  
33 distributor.

34 1. The authority provided in this paragraph is limited to  
35 the sale, transport, and delivery of kegs or similar containers  
36 that hold 5.16 gallons, 7.75 gallons, or 15.5 gallons.

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

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

40 a. Has a franchise agreement with a distributor pursuant to  
41 s. 563.022; or

42 b. Has a total production volume of more than 7,000 kegs of  
43 malt beverages a year.

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

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

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

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

57 561.5101 Come-to-rest requirement; exceptions; penalties.-

58 (1) For purposes of inspection and tax-revenue control, all

580-01967-17

2017554c1

59 malt beverages, except those manufactured and sold by the same  
60 licensee, pursuant to s. 561.221(2) or (3), must come to rest at  
61 the licensed premises of an alcoholic beverage wholesaler in  
62 this state before being sold to a vendor by the wholesaler. The  
63 prohibition contained in this subsection does not apply to the  
64 shipment of malt beverages commonly known as private labels. The  
65 prohibition contained in this subsection shall not prevent a  
66 manufacturer from shipping malt beverages for storage at a  
67 bonded warehouse facility, provided that such malt beverages are  
68 distributed as provided in this subsection or to an out-of-state  
69 entity. The prohibition contained in this subsection does not  
70 apply to a manufacturer delivering alcoholic beverages to a  
71 licensed vendor as provided in s. 561.221(2) (f).

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

74 561.57 Deliveries by licensees.—

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

580-01967-17

2017554c1

88 laws are complied with, by authorized employees of the division  
89 and also by sheriffs, deputy sheriffs, and police officers  
90 during business hours or other times the vehicle is being used  
91 to transport or deliver alcoholic beverages.

92 Section 4. Paragraph (d) of subsection (14) of section  
93 563.022, Florida Statutes, is amended to read:

94 563.022 Relations between beer distributors and  
95 manufacturers.—

96 (14) MANUFACTURER; PROHIBITED INTERESTS.—

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

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