

**By** the Committees on Commerce and Tourism; and Regulated Industries; and Senators Young and Latvala

577-02922-17

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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; authorizing  
6       vendors licensed as manufacturers under ch. 561, F.S.,  
7       to transfer malt beverages to certain restaurants with  
8       common ownership affiliations; amending s. 561.5101,  
9       F.S.; revising applicability; amending s. 561.57,  
10      F.S.; providing that certain manufacturers may  
11      transport malt beverages in vehicles owned or leased  
12      by certain persons other than the manufacturers;  
13      amending s. 563.022, F.S.; conforming a provision to  
14      changes made by the act; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:  
17

18           Section 1. Paragraph (d) of subsection (2) of section  
19   561.221, Florida Statutes, is amended, paragraph (f) is added to  
20   that subsection, paragraph (a) of subsection (3) of that section  
21   is amended, and subsection (4) is added to that section, to  
22   read:

23           561.221 Licensing of manufacturers and distributors as  
24   vendors and of vendors as manufacturers; conditions and  
25   limitations.—

26           (2)

27           (d) A manufacturer possessing a vendor's license under this  
28   subsection is not permitted to make deliveries under s.  
29   561.57(1), except as provided in paragraph (f).

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

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

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

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

44        a. Has a franchise agreement with a distributor pursuant to  
45 s. 563.022; or

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

48        (3) (a) Notwithstanding other provisions of the Beverage  
49 Law, any vendor licensed in this state may be licensed as a  
50 manufacturer of malt beverages upon a finding by the division  
51 that:

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

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

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59       (4) Notwithstanding any other provision of the Beverage  
60 Law, any vendor licensed as a manufacturer under this section  
61 may transfer malt beverages to any restaurant with which it has  
62 common ownership affiliations, which restaurant is part of a  
63 restaurant group that comprises not more than 15 restaurants.

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

66       561.5101 Come-to-rest requirement; exceptions; penalties.—

67       (1) For purposes of inspection and tax-revenue control, all  
68 malt beverages, except those manufactured and sold by the same  
69 licensee, pursuant to s. 561.221(2) or (3), must come to rest at  
70 the licensed premises of an alcoholic beverage wholesaler in  
71 this state before being sold to a vendor by the wholesaler. The  
72 prohibition contained in this subsection does not apply to the  
73 shipment of malt beverages commonly known as private labels. The  
74 prohibition contained in this subsection shall not prevent a  
75 manufacturer from shipping malt beverages for storage at a  
76 bonded warehouse facility, provided that such malt beverages are  
77 distributed as provided in this subsection or to an out-of-state  
78 entity. The prohibition contained in this subsection does not  
79 apply to a manufacturer delivering alcoholic beverages to a  
80 licensed vendor as provided in s. 561.221(2)(f).

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

83       561.57 Deliveries by licensees.—

84       (2) Deliveries made by a manufacturer, distributor, or  
85 vendor away from his or her place of business may be made only  
86 in vehicles that ~~which~~ are owned or leased by the licensee.  
87 However, a manufacturer authorized to make deliveries under s.

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88 561.221(2)(f) to the licensed premises of a vendor may transport  
89 malt beverages if the vehicle used to transport the alcoholic  
90 beverages is owned or leased by the manufacturer or any person  
91 who has been disclosed on a license application filed by the  
92 manufacturer and approved by the division. By acceptance of an  
93 alcoholic beverage license and the use of such vehicles, the  
94 licensee agrees that such vehicle shall always be subject to be  
95 inspected and searched without a search warrant, for the purpose  
96 of ascertaining that all provisions of the alcoholic beverage  
97 laws are complied with, by authorized employees of the division  
98 and also by sheriffs, deputy sheriffs, and police officers  
99 during business hours or other times the vehicle is being used  
100 to transport or deliver alcoholic beverages.

101 Section 4. Paragraph (d) of subsection (14) of section  
102 563.022, Florida Statutes, is amended to read:

103 563.022 Relations between beer distributors and  
104 manufacturers.—

105 (14) MANUFACTURER; PROHIBITED INTERESTS.—

106 (d) Nothing in the Beverage Law shall be construed to  
107 prohibit a manufacturer from shipping products to or between its  
108 breweries, or between its breweries and the licensed premises of  
109 a vendor as provided in s. 561.221(2)(f), without a  
110 distributor's license.

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