

By the Committees on Commerce and Tourism; and Regulated Industries; and Senator Brandes

577-01940-18

2018296c2

1 A bill to be entitled
2 An act relating to the Beverage Law; repealing s.
3 564.05, F.S., relating to limitations on the size of
4 individual wine containers; repealing s. 564.055,
5 F.S., relating to limitations on the size of
6 individual cider containers; amending s. 564.09, F.S.;
7 revising provisions authorizing a restaurant to allow
8 a patron to remove bottles of wine from a restaurant
9 for off-premises consumption; amending s. 565.03,
10 F.S.; redefining the term "craft distillery";
11 providing limitations on retail sales by a craft
12 distillery to consumers; providing that it is unlawful
13 to transfer a distillery license, or ownership in a
14 distillery license, for certain distilleries to
15 certain individuals or entities; prohibiting a craft
16 distillery from having its ownership affiliated with
17 certain other distilleries; authorizing a craft
18 distillery to transfer distilled spirits from certain
19 locations to its souvenir gift shop; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 564.05, Florida Statutes, is repealed.
25 Section 2. Section 564.055, Florida Statutes, is repealed.
26 Section 3. Section 564.09, Florida Statutes, is amended to
27 read:
28 564.09 Restaurants; off-premises consumption of wine.-
29 Notwithstanding any other provision of law, a restaurant

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30 licensed to sell wine on the premises may permit a patron to
31 remove one unsealed bottle of wine for consumption off the
32 premises if the patron has purchased a ~~full-course~~ meal
33 ~~consisting of a salad or vegetable, entree, a beverage, and~~
34 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
35 ~~meal~~ on the restaurant premises. A partially consumed bottle of
36 wine that is to be removed from the premises must be securely
37 resealed by the licensee or its employees before removal from
38 the premises. The partially consumed bottle of wine shall be
39 placed in a bag or other container that is secured in such a
40 manner that it is visibly apparent if the container has been
41 subsequently opened or tampered with, and a dated receipt for
42 the bottle of wine and ~~full-course~~ meal shall be provided by the
43 licensee and attached to the container. If transported in a
44 motor vehicle, the container with the resealed bottle of wine
45 must be placed in a locked glove compartment, a locked trunk, or
46 the area behind the last upright seat of a motor vehicle that is
47 not equipped with a trunk.

48 Section 4. Paragraph (b) of subsection (1) and paragraph
49 (c) of subsection (2) of section 565.03, Florida Statutes, are
50 amended to read:

51 565.03 License fees; manufacturers, distributors, brokers,
52 sales agents, and importers of alcoholic beverages; vendor
53 licenses and fees; distilleries and craft distilleries.—

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

55 (b) "Craft distillery" means a licensed distillery that
56 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
57 distilled spirits on its premises and is designated as a craft
58 distillery by ~~has notified~~ the division upon notification in

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59 writing of its decision to qualify as a craft distillery.

60 (2)

61 (c) A craft distillery licensed under this section may sell
62 to consumers, at its souvenir gift shop, up to 75,000 gallons
63 per calendar year of branded products distilled on its premises
64 in this state in factory-sealed containers that are filled at
65 the distillery for off-premises consumption. Such sales are
66 authorized only on private property contiguous to the licensed
67 distillery premises in this state and included on the sketch or
68 diagram defining the licensed premises submitted with the
69 distillery's license application. All sketch or diagram
70 revisions by the distillery shall require the division's
71 approval verifying that the souvenir gift shop location operated
72 by the licensed distillery is owned or leased by the distillery
73 and on property contiguous to the distillery's production
74 building in this state.

75 1. A craft distillery may not sell any factory-sealed
76 individual containers of spirits except in face-to-face sales
77 transactions with consumers who are making a purchase of no more
78 than six individual containers of each branded product.

79 2. Each container sold in face-to-face transactions with
80 consumers must comply with the container limits in s. 565.10,
81 per calendar year for the consumer's personal use and not for
82 resale and who are present at the distillery's licensed premises
83 in this state.

84 3. A craft distillery must report to the division within 5
85 days after it reaches the production limitations provided in
86 paragraph (1)(b). Any retail sales to consumers at the craft
87 distillery's licensed premises are prohibited beginning the day

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88 after it reaches the production limitation.

89 4. A craft distillery may not ship or arrange to ship any
90 of its distilled spirits to consumers and may sell and deliver
91 only to consumers within the state in a face-to-face transaction
92 at the distillery property. However, a craft distiller licensed
93 under this section may ship, arrange to ship, or deliver such
94 spirits to manufacturers of distilled spirits, wholesale
95 distributors of distilled spirits, state or federal bonded
96 warehouses, and exporters.

97 5. Except as provided in subparagraph 6., it is unlawful to
98 transfer a distillery license for a distillery that produces
99 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled
100 spirits on its premises or any ownership interest in such
101 license to an individual or entity that has a direct or indirect
102 ownership interest in any distillery licensed in this state;
103 another state, territory, or country; or by the United States
104 government to manufacture, blend, or rectify distilled spirits
105 for beverage purposes.

106 6. A craft distillery shall not have its ownership
107 affiliated with another distillery, unless such distillery
108 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
109 distilled spirits on each of its premises in this state or in
110 another state, territory, or country.

111 7. A craft distillery may transfer up to 75,000 gallons per
112 calendar year of distilled spirits it manufactures from its
113 federal bonded space, nonbonded space at its licensed premises,
114 or storage areas to its souvenir gift shop.

115 Section 5. This act shall take effect July 1, 2018.