



605768

LEGISLATIVE ACTION

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|------------|---|-------|
| Senate     | . | House |
| Comm: RS   | . |       |
| 02/20/2019 | . |       |
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The Committee on Commerce and Tourism (Brandes) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 70 - 123

and insert:

(b) A licensed distillery or craft distillery may ~~Persons licensed under this section who are in the business of distilling spirituous liquors may also~~ engage in the business of rectifying and blending spirituous liquors without the payment of an additional license tax.

(c) A craft distillery licensed under this section which is



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11 not licensed as a vendor under s. 561.221 may sell to consumers  
12 under its craft distillery license, at its souvenir gift shop,  
13 up to 75,000 gallons per calendar year of branded products  
14 ~~distilled on its premises in this state~~ in factory-sealed  
15 containers that are filled at the distillery for off-premises  
16 consumption by consumers. Such sales are authorized only on  
17 ~~private~~ property owned or leased by the craft distillery which  
18 is contiguous to the craft distillery's licensed ~~distillery~~  
19 premises approved by the division ~~in this state and included on~~  
20 ~~the sketch or diagram defining the licensed premises submitted~~  
21 ~~with the distillery's license application. All sketch or diagram~~  
22 ~~revisions by the distillery shall require the division's~~  
23 ~~approval verifying that the souvenir gift shop location operated~~  
24 ~~by the licensed distillery is owned or leased by the distillery~~  
25 ~~and on property contiguous to the distillery's production~~  
26 ~~building in this state.~~

27 1. A craft distillery may not sell under its craft  
28 distillery license any factory-sealed individual containers of  
29 spirits to consumers in this state except in face-to-face sales  
30 transactions with such consumers at the craft distillery's  
31 licensed premises. Such containers must be in compliance with  
32 the container limits in s. 565.10 ~~who are making a purchase of~~  
33 ~~no more than six individual containers of each branded product.~~

34 ~~2. Each container sold in face-to-face transactions with~~  
35 ~~consumers must comply with the container limits in s. 565.10,~~  
36 ~~per calendar year for the consumer's personal use and not for~~  
37 ~~resale and who are present at the distillery's licensed premises~~  
38 ~~in this state.~~

39 ~~2.3.~~ A craft distillery must report to the division within



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40 5 days after it reaches the production limitations provided in  
41 paragraph (1)(b). Any retail sales to consumers under its craft  
42 distillery license at the craft distillery's licensed premises  
43 are prohibited beginning the day after it reaches the production  
44 limitation.

45 3.4. A craft distillery that has not been issued a vendor's  
46 license under s. 561.221 may not ship or arrange to ship any of  
47 its distilled spirits to consumers in this state and may sell  
48 and deliver only to consumers within the state in a face-to-face  
49 transaction at the distillery property. However, a craft  
50 distillery distiller licensed under this section may ship,  
51 arrange to ship, or deliver such spirits to manufacturers of  
52 distilled spirits, wholesale distributors of distilled spirits,  
53 state or federal bonded warehouses, ~~and~~ exporters, or consumers  
54 located outside of the state; however, all such shipments must  
55 comply with the laws where such products are scheduled to be  
56 delivered for personal or commercial use.

57 4.5. Except as provided in subparagraph 6., it is unlawful  
58 to transfer a distillery license for a distillery that produces  
59 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled  
60 spirits on its premises or any ownership interest in such  
61 license to an individual or entity that has a direct or indirect  
62 ownership interest in any distillery licensed in this state;  
63 another state, territory, or country; or by the United States  
64 government to manufacture, blend, or rectify distilled spirits  
65 for beverage purposes.

66 5.6. A craft distillery shall not have its ownership  
67 affiliated with another distillery, unless such distillery  
68 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of



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69 distilled spirits on each of its premises in this state or in  
70 another state, territory, or country.

71 6. A craft distillery may transfer up to 75,000 gallons per  
72 calendar year of distilled spirits that it manufactures from its  
73 federal bonded space, nonbonded space at its licensed premises,  
74 or storage areas to its souvenir gift shop.

75 (5) A craft distillery transferring distilled spirits to  
76 its retail areas pursuant to paragraph (2) (c) or s. 561.221  
77 ~~making sales under paragraph (2) (c)~~ is responsible for  
78 submitting any excise taxes due to the state on distilled  
79 spirits on beverages under the Beverage Law with in its monthly  
80 report to the division ~~with any tax payments due to the state.~~

81 Section 5. Subsection (4) is added to section 561.221,  
82 Florida Statutes, to read:

83 561.221 Licensing of manufacturers and distributors as  
84 vendors and of vendors as manufacturers; conditions and  
85 limitations.-

86 (4) (a) Notwithstanding s. 561.22, s. 561.42, or any other  
87 provision of the Beverage Law, the division may issue vendor's  
88 licenses for the sale of alcoholic beverages:

- 89 1. On a distillery's licensed premises;  
90 2. On a seaport facility's premises; or  
91 3. At an airport terminal, as defined in s. 561.01(13)

92  
93 to a distillery licensed under s. 565.03, even if such  
94 distillery is also licensed as a distributor.

95 (b) If the vendor's license is for the sale of alcoholic  
96 beverages on a distillery's licensed premises, the licensed  
97 vendor premises must be included on the sketch or diagram



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98 defining the licensed premises submitted with the distillery's  
99 license application pursuant to s. 565.03(c). All sketch or  
100 diagram revisions by the distillery must be approved by the  
101 division, verifying that the vendor premises operated by the  
102 licensed distillery is owned or leased by the distillery and is  
103 located on the licensed distillery premises.

104 (c) A distillery possessing a vendor's license under this  
105 subsection may not make deliveries as otherwise allowed under s.  
106 561.57(1).

107 (d) The division may issue up to eight vendor's licenses to  
108 a distillery pursuant to this subsection.

109  
110 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

111 And the directory clause is amended as follows:

112 Delete lines 52 - 53

113 and insert:

114 Section 4. Paragraphs (a) and (b) of subsection (1), paragraphs  
115 (b) and (c) of subsection (2), and subsection (5) of section  
116 565.03, Florida

117  
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 11 - 23

121 and insert:

122 "branded product" and "craft distillery"; revising the  
123 requirements for the sale of branded products by a  
124 licensed craft distillery to consumers; deleting a  
125 provision that prohibits a craft distillery from  
126 selling more than six individual containers of a



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127 branded product to a consumer; revising requirements  
128 relating to the shipping of distilled spirits to  
129 consumers by a craft distillery; providing that it is  
130 unlawful to transfer a distillery license, or  
131 ownership in a distillery license, for certain  
132 distilleries to certain individuals or entities;  
133 prohibiting a craft distillery from having its  
134 ownership affiliated with certain other distilleries;  
135 authorizing a craft distillery to transfer specified  
136 distilled spirits from certain locations to its  
137 souvenir gift shop; requiring a craft distillery  
138 making certain transfers of distilled spirits to  
139 submit certain excise taxes with its monthly report to  
140 the Division of Alcoholic Beverages and Tobacco of the  
141 Department of Business and Professional Regulation;  
142 amending s. 561.221, F.S.; authorizing the division to  
143 issue vendor's licenses to certain distilleries for  
144 the sale of alcoholic beverages on the licensed  
145 premises, on a seaport facility's licensed premises,  
146 or at an airport terminal; requiring that the licensed  
147 vendor premises be included on certain sketches and  
148 diagrams under certain circumstances; requiring that  
149 all revisions to a sketch or diagram be approved by  
150 the division; specifying that a distillery possessing  
151 a vendor's license is not allowed to make certain  
152 deliveries; capping the number of vendor's licenses  
153 the division is authorized to issue to a distillery;  
154 providing an