

By Senator Brandes

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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 that authorize a restaurant to
8 allow patrons to remove partially consumed bottles of
9 wine from a restaurant for off-premises consumption;
10 amending s. 565.03, F.S.; redefining the terms
11 "branded product" and "craft distillery"; specifying
12 limitations on a craft distillery's retail sales to
13 consumers; deleting a provision that prohibits a craft
14 distillery from selling more than six individual
15 containers of a branded product to a consumer;
16 declaring that it is unlawful to transfer a distillery
17 license, or ownership in a distillery license, for
18 certain distilleries to certain individuals or
19 entities; prohibiting a craft distillery from having
20 its ownership affiliated with certain other
21 distilleries; authorizing a craft distillery to
22 transfer specified distilled spirits from certain
23 locations to its souvenir gift shop; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 564.05, Florida Statutes, is repealed.

29 Section 2. Section 564.055, Florida Statutes, is repealed.

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30 Section 3. Section 564.09, Florida Statutes, is amended to
31 read:

32 564.09 Restaurants; off-premises consumption of wine.-
33 Notwithstanding any other provision of law, a restaurant
34 licensed to sell wine on the premises may permit a patron to
35 remove one unsealed bottle of wine for consumption off the
36 premises if the patron has purchased a ~~full course~~ meal
37 ~~consisting of a salad or vegetable, entree, a beverage, and~~
38 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
39 ~~meal~~ on the restaurant premises. A partially consumed bottle of
40 wine that is to be removed from the premises must be securely
41 resealed by the licensee or its employees before removal from
42 the premises. The partially consumed bottle of wine shall be
43 placed in a bag or other container that is secured in such a
44 manner that it is visibly apparent if the container has been
45 subsequently opened or tampered with, and a dated receipt for
46 the bottle of wine and ~~full course~~ meal shall be provided by the
47 licensee and attached to the container. If transported in a
48 motor vehicle, the container with the resealed bottle of wine
49 must be placed in a locked glove compartment, a locked trunk, or
50 the area behind the last upright seat of a motor vehicle that is
51 not equipped with a trunk.

52 Section 4. Paragraphs (a) and (b) of subsection (1) and
53 paragraph (c) of subsection (2) of section 565.03, Florida
54 Statutes, are amended to read:

55 565.03 License fees; manufacturers, distributors, brokers,
56 sales agents, and importers of alcoholic beverages; vendor
57 licenses and fees; distilleries and craft distilleries.-

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

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59 (a) "Branded product" means any distilled spirits product
60 manufactured on site, or manufactured on site and blended on
61 site with other distilled spirits, which requires a federal
62 certificate and label approval by the Federal Alcohol
63 Administration Act or federal regulations.

64 (b) "Craft distillery" means a licensed distillery that
65 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
66 distilled spirits on its premises and is designated as a craft
67 distillery by ~~has notified~~ the division upon notification in
68 writing of its decision to qualify as a craft distillery.

69 (2)

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

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

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88 2. Each container sold in face-to-face transactions with
89 consumers must comply with the container limits in s. 565.10,
90 per calendar year for the consumer's personal use and not for
91 resale and who are present at the distillery's licensed premises
92 in this state.

93 3. A craft distillery must report to the division within 5
94 days after it reaches the production limitations provided in
95 paragraph (1)(b). Any retail sales to consumers at the craft
96 distillery's licensed premises are prohibited beginning the day
97 after it reaches the production limitation.

98 4. A craft distillery may not ship or arrange to ship any
99 of its distilled spirits to consumers and may sell and deliver
100 only to consumers within the state in a face-to-face transaction
101 at the distillery property. However, a craft distiller licensed
102 under this section may ship, arrange to ship, or deliver such
103 spirits to manufacturers of distilled spirits, wholesale
104 distributors of distilled spirits, state or federal bonded
105 warehouses, and exporters.

106 5. Except as provided in subparagraph 6., it is unlawful to
107 transfer a distillery license for a distillery that produces
108 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled
109 spirits on its premises or any ownership interest in such
110 license to an individual or entity that has a direct or indirect
111 ownership interest in any distillery licensed in this state;
112 another state, territory, or country; or by the United States
113 government to manufacture, blend, or rectify distilled spirits
114 for beverage purposes.

115 6. A craft distillery shall not have its ownership
116 affiliated with another distillery, unless such distillery

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117 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
118 distilled spirits on each of its premises in this state or in
119 another state, territory, or country.

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

124 Section 5. This act shall take effect July 1, 2019.