

By the Committee on Commerce and Tourism; and Senators Brandes and Stewart

577-02470-19

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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"; revising the
12 requirements for the sale of branded products by a
13 licensed craft distillery to consumers; deleting a
14 provision that prohibits a craft distillery from
15 selling more than six individual containers of a
16 branded product to a consumer; revising requirements
17 relating to the shipping of distilled spirits to
18 consumers by a craft distillery; providing that it is
19 unlawful to transfer a distillery license, or
20 ownership in a distillery license, for certain
21 distilleries to certain individuals or entities;
22 prohibiting a craft distillery from having its
23 ownership affiliated with certain other distilleries;
24 authorizing a craft distillery to transfer specified
25 distilled spirits from certain locations to its
26 souvenir gift shop; requiring a craft distillery
27 making certain transfers of distilled spirits to
28 submit certain excise taxes with its monthly report to
29 the Division of Alcoholic Beverages and Tobacco of the

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30 Department of Business and Professional Regulation;
31 amending s. 561.221, F.S.; authorizing the division to
32 issue vendor's licenses to certain distilleries for
33 the sale of alcoholic beverages on the licensed
34 premises, on a seaport facility's licensed premises,
35 or at an airport terminal; requiring that the licensed
36 vendor premises be included on certain sketches and
37 diagrams under certain circumstances; requiring that
38 all revisions to a sketch or diagram be approved by
39 the division; capping the number of vendor's licenses
40 the division is authorized to issue to a distillery;
41 requiring the division to issue permits to
42 distilleries for conducting tastings and sales at
43 certain events; requiring distilleries to pay entry
44 fees and to have a representative present at such
45 events; providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Section 564.05, Florida Statutes, is repealed.

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 Section 564.055, Florida Statutes, is repealed.

51 Section 3. Section 564.09, Florida Statutes, is amended to
52 read:

53 564.09 Restaurants; off-premises consumption of wine.—
54 Notwithstanding any other provision of law, a restaurant
55 licensed to sell wine on the premises may permit a patron to
56 remove one unsealed bottle of wine for consumption off the
57 premises if the patron has purchased a ~~full-course~~ meal
58 ~~consisting of a salad or vegetable, entree, a beverage, and~~

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59 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
60 ~~meal~~ on the restaurant premises. A partially consumed bottle of
61 wine that is to be removed from the premises must be securely
62 resealed by the licensee or its employees before removal from
63 the premises. The partially consumed bottle of wine shall be
64 placed in a bag or other container that is secured in such a
65 manner that it is visibly apparent if the container has been
66 subsequently opened or tampered with, and a dated receipt for
67 the bottle of wine and ~~full-course~~ meal shall be provided by the
68 licensee and attached to the container. If transported in a
69 motor vehicle, the container with the resealed bottle of wine
70 must be placed in a locked glove compartment, a locked trunk, or
71 the area behind the last upright seat of a motor vehicle that is
72 not equipped with a trunk.

73 Section 4. Paragraphs (a) and (b) of subsection (1),
74 paragraphs (b) and (c) of subsection (2), and subsection (5) of
75 section 565.03, Florida Statutes, are amended to read:

76 565.03 License fees; manufacturers, distributors, brokers,
77 sales agents, and importers of alcoholic beverages; vendor
78 licenses and fees; distilleries and craft distilleries.—

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

80 (a) "Branded product" means any distilled spirits product
81 manufactured on site, or manufactured on site and blended on
82 site with other distilled spirits, which requires a federal
83 certificate and label approval by the Federal Alcohol
84 Administration Act or federal regulations.

85 (b) "Craft distillery" means a licensed distillery that
86 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
87 distilled spirits on its premises and is designated as a craft

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88 ~~distillery by has notified~~ the division upon notification in
89 writing of its decision to qualify as a craft distillery.

90 (2)

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

96 (c) A craft distillery licensed under this section which is
97 not licensed as a vendor under s. 561.221 may sell to consumers
98 under its craft distillery license, at its souvenir gift shop,
99 up to 75,000 gallons per calendar year of branded products
100 ~~distilled on its premises in this state~~ in factory-sealed
101 containers that are filled at the distillery for off-premises
102 consumption by consumers. Such sales are authorized only on
103 ~~private~~ property owned or leased by the craft distillery which
104 is contiguous to the craft distillery's licensed ~~distillery~~
105 premises approved by the division ~~in this state and included on~~
106 ~~the sketch or diagram defining the licensed premises submitted~~
107 ~~with the distillery's license application. All sketch or diagram~~
108 ~~revisions by the distillery shall require the division's~~
109 ~~approval verifying that the souvenir gift shop location operated~~
110 ~~by the licensed distillery is owned or leased by the distillery~~
111 ~~and on property contiguous to the distillery's production~~
112 ~~building in this state.~~

113 1. A craft distillery may not sell under its craft
114 distillery license any factory-sealed individual containers of
115 spirits to consumers in this state except in face-to-face sales
116 transactions with such consumers at the craft distillery's

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117 licensed premises. Such containers must be in compliance with
118 the container limits in s. 565.10 ~~who are making a purchase of~~
119 ~~no more than six individual containers of each branded product.~~

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

125 ~~2.3.~~ A craft distillery must report to the division within
126 5 days after it reaches the production limitations provided in
127 paragraph (1)(b). Any retail sales to consumers under its craft
128 distillery license at the craft distillery's licensed premises
129 are prohibited beginning the day after it reaches the production
130 limitation.

131 ~~3.4.~~ A craft distillery that has not been issued a vendor's
132 license under s. 561.221 may not ship or arrange to ship any of
133 its distilled spirits to consumers in this state and may sell
134 and deliver only to consumers within the state in a face-to-face
135 transaction at the distillery property. However, a craft
136 distillery distiller licensed under this section may ship,
137 arrange to ship, or deliver such spirits to manufacturers of
138 distilled spirits, wholesale distributors of distilled spirits,
139 state or federal bonded warehouses, ~~and~~ exporters, or consumers
140 located outside of this state; however, all such shipments must
141 comply with the laws where such products are scheduled to be
142 delivered for personal or commercial use.

143 ~~4.5.~~ Except as provided in subparagraph 6., it is unlawful
144 to transfer a distillery license for a distillery that produces
145 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled

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146 spirits on its premises or any ownership interest in such
147 license to an individual or entity that has a direct or indirect
148 ownership interest in any distillery licensed in this state;
149 another state, territory, or country; or by the United States
150 government to manufacture, blend, or rectify distilled spirits
151 for beverage purposes.

152 ~~5.6.~~ A craft distillery shall not have its ownership
153 affiliated with another distillery, unless such distillery
154 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
155 distilled spirits on each of its premises in this state or in
156 another state, territory, or country.

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

161 (5) A craft distillery may transfer distilled spirits to
162 any of its retail areas pursuant to paragraph (2)(c) or s.
163 561.221 and ~~making sales under paragraph (2)(e)~~ is responsible
164 for submitting any excise taxes due to the state on distilled
165 spirits on beverages under the Beverage Law with ~~in~~ its monthly
166 report to the division ~~with any tax payments due to the state.~~

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

169 561.221 Licensing of manufacturers and distributors as
170 vendors and of vendors as manufacturers; conditions and
171 limitations.—

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

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- 175 1. On a distillery's licensed premises;
176 2. On a seaport facility's premises; or
177 3. At an airport terminal, as defined in s. 561.01(13),
178

179 to a distillery licensed under s. 565.03, even if such
180 distillery is also licensed as a distributor.

181 (b) If the vendor's license is for the sale of alcoholic
182 beverages on a distillery's licensed premises, the licensed
183 vendor premises must be included on the sketch or diagram
184 defining the licensed premises submitted with the distillery's
185 license application pursuant to s. 565.03(c). All sketch or
186 diagram revisions by the distillery must be approved by the
187 division, verifying that the vendor premises operated by the
188 licensed distillery is owned or leased by the distillery and is
189 located on the licensed distillery premises.

190 (c) The division may issue up to eight vendor's licenses to
191 a distillery pursuant to this subsection.

192 (d) The division shall, upon request, issue permits to a
193 distillery to conduct tasting and sales of distilled spirits
194 produced by the distillery at fairs, trade shows, expositions,
195 and festivals in this state. The distillery shall pay all entry
196 fees and shall have a representative of the craft distillery
197 present during the event. The permit is limited to the length of
198 the event.

199 Section 6. This act shall take effect July 1, 2019.