

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Raschein offered the following:

Amendment to Amendment (672911) (with title amendment)

Between lines 2325 and 2326 of the amendment, insert:

Section 85. Subsection (4) is added to section 561.221, Florida Statutes, to read:

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

(4) (a) Notwithstanding s. 561.22, s. 561.42, or any other provision of the Beverage Law, the division may issue up to three vendor licenses to a craft distillery licensed under s. 565.03, even if such distillery is also licensed as a

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14 distributor, for the sale of alcoholic beverages on a craft
15 distillery's licensed premises.

16 (b) If a vendor's license is for the sale of alcoholic
17 beverages on a craft distillery's licensed premises, the
18 licensed vendor premises must be included on the sketch or
19 diagram defining the licensed premises submitted with the
20 distillery's license application. All sketch or diagram
21 revisions by the craft distillery must be approved by the
22 division and must verify that the vendor premises operated by
23 the licensed distillery is owned or leased by the craft
24 distillery and is located on the licensed distillery premises.

25 (c) The division shall, upon request, issue permits to a
26 craft distillery to conduct tastings and sales of distilled
27 spirits produced by the distillery at fairs, trade shows,
28 expositions, and festivals in this state. The craft distillery
29 shall pay all entry fees for such events and shall have a
30 representative present during each event. A permit is limited to
31 the length of the event for which the permit is issued.

32 (d) Distilled spirits and other alcoholic beverages
33 manufactured by another licensed manufacturer, including any
34 distilled spirits that are owned in whole or in part by the
35 craft distillery but are distilled by another manufacturer, must
36 be obtained through a licensed distributor, a licensed broker or
37 sales agent, or a licensed importer.

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38 Section 86. Subsection (9) is added to section 561.24,
39 Florida Statutes, to read:

40 561.24 Licensing manufacturers as distributors or
41 registered exporters prohibited; procedure for issuance and
42 renewal of distributors' licenses and exporters' registrations.-

43 (9) This section does not apply to a craft distillery, as
44 defined in s. 565.03, which is open to the public for tours,
45 tastings, and sales at least 30 hours each week.

46 Section 87. Subsections (13) and (14) of section 561.42,
47 Florida Statutes, are renumbered as subsections (14) and (15),
48 respectively, subsections (1), (8), (11), (12), and present
49 subsection (14) are amended, and new subsections (13) and (16)
50 are added to that section, to read:

51 561.42 Tied house evil; financial aid and assistance to
52 vendor by manufacturer, distributor, importer, primary American
53 source of supply, brand owner or registrant, or any broker,
54 sales agent, or sales person thereof, prohibited; procedure for
55 enforcement; exception.-

56 (1) A ~~No~~ manufacturer, distributor, importer, primary
57 American source of supply, or brand owner or registrant of any
58 of the beverages herein referred to, whether licensed or
59 operating in this state or out-of-state, or ~~nor~~ any broker,
60 sales agent, or sales person thereof, may not ~~shall~~ have any
61 financial interest, directly or indirectly, in the establishment
62 or business of any vendor licensed under the Beverage Law; nor

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63 may shall such manufacturer, distributor, importer, primary
64 American source of supply, brand owner or brand registrant, or
65 any broker, sales agent, or sales person thereof, directly or
66 indirectly, assist any vendor by furnishing, supplying, selling,
67 renting, lending, buying for, or giving to any vendor any
68 vehicles, equipment, furniture, fixtures, signs, supplies,
69 credit, fees, slotting fees of any kind, advertising or
70 cooperative advertising, services, any gifts or loans of money
71 or property of any description, or ~~by the giving of any~~ rebates
72 of any kind whatsoever. A ~~No~~ licensed vendor may not shall
73 accept, directly or indirectly, any vehicles, equipment,
74 furniture, fixtures, signs, supplies, credit, fees, slotting
75 fees of any kind, advertising or cooperative advertising,
76 services, gifts any gift or loans loan of money or property of
77 any description, or any rebates of any kind whatsoever from any
78 such manufacturer, distributor, importer, primary American
79 source of supply, brand owner or brand registrant, or any
80 broker, sales agent, or sales person thereof; provided, however,
81 that this does not apply to any bottles, barrels, or other
82 containers necessary for the legitimate transportation of such
83 beverages or to advertising materials and does not apply to the
84 extension of credit, for liquors sold, made strictly in
85 compliance with ~~the provisions of~~ this section. A brand owner is
86 a person who is not a manufacturer, distributor, importer,
87 primary American source of supply, brand registrant, or broker,

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88 sales agent, or sales person thereof, but who directly or
89 indirectly owns or controls any brand, brand name, or label of
90 alcoholic beverage. ~~Nothing in~~ This section does not shall
91 prohibit the ownership by vendors of any brand, brand name, or
92 label of alcoholic beverage.

93 (8) The division may adopt rules and require reports to
94 enforce, and may impose administrative sanctions for any
95 violation of, the limitations established under the Beverage Law
96 on any vehicles, equipment, furniture, fixtures, signs,
97 supplies, credit, fees, slotting fees of any kind, advertising
98 or cooperative advertising, services, gifts or loans of money or
99 property of any description, rebates of any kind whatsoever ~~in~~
100 ~~this section on credits,~~ coupons, and other forms of assistance.

101 (11) A vendor may display in the interior of his or her
102 licensed premises, including the window or windows thereof,
103 neon, electric, or other signs that require a power source;
104 ~~including~~ window painting and decalcomanias applied to the
105 surface of the interior or exterior of such windows; and
106 posters, placards, and other advertising material advertising
107 the brand or brands of alcoholic beverages sold by him or her,
108 whether visible or not from the outside of the licensed
109 premises. However, a, but no vendor may not shall display in the
110 window or windows of his or her licensed premises more than one
111 neon, electric, or similar sign that requires a power source,

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112 advertising the product of any one brand of alcoholic beverage
113 manufacturer.

114 (12) Any manufacturer, distributor, importer, primary
115 American source of supply, or brand owner or registrant, or any
116 broker, sales agent, or sales person thereof, may give, lend,
117 furnish, or sell to a vendor who sells the products of such
118 manufacturer, distributor, importer, primary American source of
119 supply, or brand owner or registrant any of the following: neon,
120 or electric, or other signs requiring a power source; signs,
121 window painting and decalcomanias applied to the surface of the
122 interior or exterior of windows; and, posters, placards, and
123 other advertising material ~~herein~~ authorized to be used or
124 displayed by the vendor in the interior of his or her licensed
125 premises. As used in this section, the term "decalcomania" means
126 a picture, design, print, engraving, or label made to be
127 transferred onto a glass surface.

128 (13) Any manufacturer, distributor, importer, primary
129 American source of supply, or brand owner or registrant, or any
130 broker, sales agent, or sales person thereof, who regularly
131 sells merchandise to vendors, or any vendor who purchases
132 merchandise from such manufacturer, distributor, importer,
133 primary American source of supply, or brand owner or registrant,
134 or any broker, sales agent, or sales person thereof, does not
135 violate subsection (1) if:

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136 (a) Such sale or purchase is equal to or greater than the
137 fair market value of the merchandise, not combined with any sale
138 or purchase of alcoholic beverages separately itemized from the
139 sale or purchase of alcoholic beverages, and

140 (b) Both the seller and purchaser maintain records of any
141 such sale or purchase, including the price and any conditions
142 associated with such sale or purchase of the merchandise.

143
144 For purposes of this subsection, the term "merchandise" means
145 commodities, supplies, fixtures, furniture, or equipment. The
146 term does not include alcoholic beverages or a motor vehicle or
147 trailer requiring registration under chapter 320.

148 (15)-(14) The division shall adopt reasonable rules
149 governing promotional displays and advertising. Such rules may
150 not conflict with or be more stringent than the federal
151 regulations pertaining to such promotional displays and
152 advertising furnished to vendors by distributors, manufacturers,
153 importers, primary American sources of supply, or brand owners
154 or registrants, or any broker, sales agent, or sales person
155 thereof; however:

156 (a) If a manufacturer, distributor, importer, brand owner,
157 or brand registrant of malt beverage, or any sales agent or
158 sales person thereof, provides a vendor with branded expendable
159 retailer advertising specialties such as trays, coasters, mats,
160 menu cards, napkins, cups, glassware, thermometers, and the

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161 like, such items may be sold only at a price not less than the
162 actual cost to the industry member who initially purchased them,
163 without limitation in total dollar value of such items sold to a
164 vendor. However, a distributor that receives glassware at no
165 charge on a no-charge invoice from a malt beverage manufacturer
166 or importer may give such glassware to a vendor licensed to sell
167 malt beverages for on-premises consumption. Each piece of
168 glassware given to a vendor by a distributor must bear a
169 permanent brand name intended to prominently advertise the
170 brand. A distributor may not give a vendor more than 10 cases of
171 glassware per calendar year per licensed premises. A vendor that
172 receives a gift of glassware from a distributor may not sell the
173 glassware or return it to a distributor for cash, credit, or
174 replacement. A manufacturer or importer who sells or gives
175 glassware to a distributor, a distributor who sells or gives
176 glassware to a vendor, and such vendor, must maintain records of
177 such sale or gift of glassware.

178 1. These records must be maintained for 3 years by the
179 industry member. The records may be in any format so long as
180 they are available and legible to division personnel upon
181 request during normal business hours. A copy of any record
182 maintained or produced in compliance with this paragraph shall
183 be provided to each industry member who receives such glassware.
184 The copy shall be in a format accessible and readable by the
185 recipient and may not be provided in an electronic format that

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186 would require proprietary software unavailable to the recipient.

187 These records must show:

188 a. The name and address of the recipient, the recipient's
189 employee or agent receiving the glassware;

190 b. The recipient's license number;

191 c. The date furnished or given;

192 d. The description and quantity of glassware furnished or
193 given;

194 e. The cost to the industry member determined by the
195 original purchaser's invoice price;

196 f. The charges to the recipient for the glassware, if any;
197 and

198 g. The name, license number, and address of the industry
199 member providing the glassware.

200 2. As used in this paragraph, the term:

201 a. "Case" means a box containing up to 24 pieces of
202 glassware.

203 b. "Glassware" means a single-service glass container that
204 can hold no more than 23 ounces of liquid volume.

205 (b) Without limitation in total dollar value of such items
206 provided to a vendor, a manufacturer, distributor, importer,
207 primary American source of supply, or brand owner, or ~~brand~~
208 registrant of malt beverage, or any broker, sales agent, or
209 sales person thereof, may rent, loan without charge for an
210 indefinite duration, or sell durable retailer advertising

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211 specialties such as clocks, pool table lights, and the like,
212 which bear advertising matter. If sold, such items may not be
213 sold at a price less than the actual cost to the industry member
214 who initially purchased the items.

215 (c) If a manufacturer, distributor, importer, brand owner,
216 or brand registrant of malt beverage, or any sales agent or
217 sales person thereof, provides a vendor with consumer
218 advertising specialties such as ashtrays, T-shirts, bottle
219 openers, shopping bags, and the like, such items may be sold
220 only at a price not less than the actual cost to the industry
221 member who initially purchased them, and may be sold without
222 limitation in total value of such items sold to a vendor.

223 (d) A manufacturer, distributor, importer, brand owner, or
224 brand registrant of malt beverage, or any sales agent or sales
225 person thereof, may provide consumer advertising specialties
226 described in paragraph (c) to consumers on any vendor's licensed
227 premises.

228 (e) A manufacturer, distributor, importer, brand owner, or
229 brand registrant of malt beverages, and any sales agent or sales
230 person thereof or contracted third-party, may not engage in
231 cooperative advertising with a vendor and may not name a vendor
232 in any advertising for a malt beverage tasting authorized under
233 s. 563.09.

234 (f) A distributor of malt beverages may sell to a vendor
235 draft equipment and tapping accessories at a price not less than

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236 the cost to the industry member who initially purchased them,
237 except there is no required charge, and the distributor may
238 exchange any parts that are not compatible with a competitor's
239 system and are necessary to dispense the distributor's brands. A
240 distributor of malt beverages may furnish to a vendor at no
241 charge replacement parts of nominal intrinsic value, including,
242 but not limited to, washers, gaskets, tail pieces, hoses, hose
243 connections, clamps, plungers, and tap markers.

244 (16) (a) Notwithstanding other provisions of this section,
245 a manufacturer or importer of malt beverages and a vendor may
246 enter into a written agreement for brand-naming rights and
247 associated cooperative advertising, negotiated at arm's length,
248 for no more than fair market value if all of the following
249 conditions are met:

250 1. The vendor operates places of business where
251 consumption on the premises is permitted and the premises:

252 a. Are located within a theme park complex consisting of
253 at least 25 contiguous acres owned and controlled by the same
254 business entity;

255 b. Contain permanent exhibitions and a variety of
256 recreational activities; and

257 c. Has a minimum of 1 million visitors annually with a
258 controlled entrance to, and exit from, the enclosed area.

259 2. Such agreement does not involve, either in whole or in
260 part, the sale or distribution of malt beverages between the

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261 manufacturer or importer, or the manufacturer's or importer's
262 distributor, and a vendor.

263 3. The vendor, as a result of such agreement, does not
264 give preferential treatment to the alcoholic beverage brand or
265 brands of the manufacturer or importer with whom the vendor has
266 entered into such agreement.

267 4. Such agreement does not directly or indirectly limit
268 the sale of alcoholic beverages of another manufacturer or
269 importer, or distributor.

270 5. Within 10 days after execution of such agreement, the
271 vendor files with the division a description of the agreement
272 which includes the location, dates, and the name of the
273 manufacturer or importer that entered into the agreement.

274
275 As used in this paragraph, the term "negotiated at arm's length"
276 means the negotiation of a business transaction by independent
277 parties acting in each party's own individual self-interest and
278 conducted as if the parties were strangers, so that no conflict
279 of interest may arise.

280 (b) A manufacturer or importer of malt beverages who is a
281 party to a brand-naming rights agreement may not, directly or
282 indirectly, solicit or receive from any of its distributors any
283 portion of the payment due from the manufacturer or importer of
284 malt beverages to the vendor pursuant to such agreement. Such
285 agreement exists solely between the manufacturer and the vendor

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286 and does not, directly or indirectly, in any way obligate or
287 place responsibility, financial or otherwise, upon a
288 distributor.

289 (c) Notwithstanding s. 561.29(3) and (4), a manufacturer
290 of malt beverages, an importer of malt beverages, or a vendor
291 who violates this subsection is subject to:

292 1. A civil penalty of not more than \$25,000, for a first
293 violation.

294 2. A civil penalty of not more than \$100,000 for a second
295 violation occurring within 36 months after the date of the first
296 violation.

297 3. At the discretion of the division, in lieu of or in
298 addition to the penalty imposed under subparagraph 2.,
299 suspension or revocation of the alcoholic beverage license for a
300 third or subsequent violation occurring within 36 months after
301 the date of the first violation.

302
303 A violation occurring more than 36 months after a first
304 violation is deemed a first violation under this paragraph. When
305 imposing a civil penalty within the ranges provided in
306 subparagraphs 1. and 2., the division may not impose a civil
307 penalty in an amount greater than the financial value of the
308 brand-naming rights agreement.

309 Section 88. Section 562.65, Florida Statutes, is created
310 to read:

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311 562.65 Licensed premises of vendors; dogs allowed in
312 designated areas.-

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

314 (a) "Division" means the Division of Alcoholic Beverages
315 and Tobacco of the Department of Business and Professional
316 Regulation.

317 (b) "Dog" means a dog that is domesticated and kept as a
318 household pet.

319 (c) "Licensed premises" has the same meaning as provided
320 in s. 561.01(11).

321 (d) "Vendor" means a person who is licensed under the
322 Beverage Law.

323 (2) A vendor may allow dogs in designated areas, including
324 certain indoor areas, of the licensed premises under the
325 following conditions:

326 (a) No more than 10 percent of the gross revenue of the
327 vendor's business may be from the sale of food consumed on the
328 licensed premises. Ice may not be considered food.

329 (b) Dogs must be kept on a leash and under control at all
330 times.

331 (c) Dogs may not be permitted on tables, bar tops, or
332 other furnishings.

333 (d) Dogs may not be permitted in any area of the licensed
334 premises in which food is stored or prepared.

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335 (e) Dog waste must be cleaned immediately and the area
336 must be sanitized.

337 (3) An individual may be held liable for failure to comply
338 with the conditions under paragraphs (2)(b)-(e) if such failure
339 causes injury or damage.

340 (4) The division may adopt rules to administer this
341 section.

342 Section 89. Section 563.061, Florida Statutes, is created
343 to read:

344 563.061 Return of malt beverage products.-

345 (1) DEFINITIONS.-As used in this section, the term:

346 (a) "Damaged product" means a malt beverage product
347 delivered to a vendor exhibiting product deterioration,
348 defective seals, leaking, damaged labels, or missing or
349 mutilated tamper-evident closures.

350 (b) "Keg" means a reusable container used to store and
351 dispense a malt beverage product in draft form on tap.

352 (c) "Manufacturer's code date" means a coded best-by date,
353 expiration date, or other designated date or dating system
354 established by a manufacturer to signify freshness that is
355 printed on the malt beverage container or, in the case of a keg,
356 marked on a cap, collar, tag, or label affixed directly to the
357 keg.

358 (d) "Out-of-code product" means a malt beverage product
359 that has exceeded the manufacturer's code date and, according to

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360 the manufacturer's policies, must be removed and replaced with
361 fresh product for purchase in the retail market.

362 (e) "Undamaged product" means a malt beverage product that
363 is not damaged or out of code.

364 (2) CONSIGNMENT SALES PROHIBITED; AUTHORIZED RETURNS.—A
365 distributor may not sell, offer for sale, or contract to sell
366 malt beverages on consignment or any basis other than a bona
367 fide sale. A vendor may not purchase, offer to purchase, or
368 contract to purchase malt beverages on consignment or any basis
369 other than a bona fide sale. Once a distributor sells malt
370 beverages to a vendor, only bona fide returns are permitted for
371 the ordinary and usual commercial reasons authorized in this
372 section. This section does not permit return of product because
373 it is overstocked or slow-moving or because it has limited or
374 seasonal demand, including, but not limited to, product packaged
375 in holiday decanters or distinctive bottles.

376 (3) RETURNS OF UNDAMAGED PRODUCT.—

377 (a) Except as provided in paragraph (b), undamaged product
378 may be returned for exchange of product or credit.

379 (b) A distributor may only accept a return of undamaged
380 product if the return is requested within 7 days after the
381 delivery date. However, a distributor may accept a return of
382 undamaged product after such time in the following
383 circumstances:

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384 1. If a vendor or its employees or agents are no longer
385 permitted, due to a change in regulation or administrative
386 procedure, to sell a particular brand or size product, such
387 product may be returned for credit or refund.

388 2. If a vendor terminates operations, the vendor's
389 inventory of product at the time of termination may be returned
390 for credit or refund. This subparagraph does not apply during a
391 vendor's temporary seasonal shutdown.

392 3. Except as provided in subparagraph 6., a product that
393 has not yet exceeded the manufacturer's code date may be
394 returned for purposes of ensuring quality control or freshness;
395 however, such product may only be returned for exchange of
396 product.

397 4. If a manufacturer has issued a product recall that
398 affects multiple vendors that are not affiliated through having
399 common ownership, being members of the same pool buying group,
400 or being members of the same advertising cooperative, the
401 recalled product may be returned for exchange of product or
402 credit. If return of such product is requested more than 7 days
403 after the delivery date, the distributor must keep documentation
404 of the recall with the transaction record maintained pursuant to
405 subsection (8).

406 5. If production or importation of a product is
407 discontinued, a vendor's inventory of the discontinued product
408 may be returned for credit or refund.

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409 6. If a vendor is only open for a portion of the year and
410 has product remaining at closure which, with respect to quality
411 control or freshness, would become unsuitable for sale during
412 the off-season according to the manufacturer's code date, such
413 product may be returned for credit or refund.

414
415 If undamaged product is returned under this paragraph, the
416 distributor must keep documentation of a qualifying exception in
417 subparagraphs 1.-6. with the transaction record maintained
418 pursuant to subsection (8).

419 (4) RETURNS OF DAMAGED PRODUCT.-

420 (a) Damaged product may only be returned for exchange of
421 product or credit. A distributor must verify damaged product
422 before accepting its return.

423 (b) Product damaged by a vendor, its employees or agents,
424 or its customers may not be returned and shall be the vendor's
425 liability.

426 (c) A distributor may only accept return of damaged
427 product if requested within 7 days after the delivery date.

428 (5) RETURNS OF OUT-OF-CODE PRODUCT.-

429 (a) Out-of-code product may only be returned for exchange
430 of product. A distributor must verify out-of-code product before
431 accepting its return.

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432 (b) A distributor may accept return of out-of-code product
433 any time after the manufacturer's code date only in the
434 following circumstances:

435 1. The manufacturer has written policies and procedures
436 that specify the date that out-of-code product should be
437 removed.

438 2. Such policies and procedures are readily available,
439 verifiable, and consistently applied by the manufacturer.

440 3. The manufacturer's code date is printed on the product
441 container or, in the case of a keg, marked on a cap, collar,
442 tag, or label affixed directly to the keg.

443 4. Out-of-code product removed by the distributor does not
444 reenter the retail market.

445 (6) EXCHANGES OF PRODUCT.—An exchange of product
446 authorized under this section must be in exact quantities with a
447 product of near or equal value, made by the same manufacturer,
448 and in the same size container or keg unless a credit is issued
449 at the time of the return.

450 (7) DISTRIBUTOR REQUIREMENTS FOR RETURNS.—This section
451 does not require a distributor to accept returns authorized
452 under this section; however, if a distributor accepts return of
453 product, the distributor must:

454 (a) Provide the exchange of product, credit, or refund to
455 the vendor, as provided in subsections (3)-(5), at the same time
456 the distributor picks up the product being returned.

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457 (b) For damaged or undamaged product, pick up the product
458 being returned within 14 days after receipt of the vendor's
459 request.

460 (8) TRANSACTION RECORDS.—A distributor must keep and
461 maintain for 3 years a transaction record of each return
462 identifying the vendor's business name, address, and license
463 number; product returned for exchange of product, credit, or
464 refund; and any other documentation required by this section.
465 The distributor must provide a copy of the transaction record to
466 the vendor in a format accessible and readable by the vendor.
467 Such transaction records must be maintained on the distributor's
468 licensed premises, or may be kept at another location in this
469 state if the distributor notifies the division in writing before
470 keeping records in another location, and must be made available
471 to the division upon request for inspection in a format
472 accessible and readable by the division. The distributor must
473 notify the division in writing of any change in recordkeeping
474 location.

475 (9) RETURNS NOT TIED HOUSE EVIL.—Bona fide returns
476 authorized under this section for exchange of product, credit,
477 or refund are not considered gifts, loans, or other forms of
478 financial aid or assistance prohibited by s. 561.42.

479 (10) CIVIL PENALTY.—In accordance with s. 561.29, the
480 division may impose a civil penalty against a distributor or

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481 vendor for any violation of this section, or any rule adopted
482 under this section, not to exceed \$1,000 per violation.

483 (11) RULEMAKING AUTHORITY.—The division may adopt rules to
484 administer and enforce this section.

485 Section 90. Section 564.05, Florida Statutes, is repealed.

486 Section 91. Section 564.055, Florida Statutes, is
487 repealed.

488 Section 92. Section 564.09, Florida Statutes, is amended
489 to read:

490 564.09 Restaurants; off-premises consumption of wine.—
491 Notwithstanding any other provision of law, a restaurant
492 licensed to sell wine on the premises may permit a patron to
493 remove one unsealed bottle of wine for consumption off the
494 premises if the patron has purchased a ~~full course~~ meal
495 ~~consisting of a salad or vegetable, entree, a beverage, and~~
496 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
497 ~~meal~~ on the restaurant premises. A partially consumed bottle of
498 wine that is to be removed from the premises must be securely
499 resealed by the licensee or its employees before removal from
500 the premises. The partially consumed bottle of wine shall be
501 placed in a bag or other container that is secured in such a
502 manner that it is visibly apparent if the container has been
503 subsequently opened or tampered with, and a dated receipt for
504 the bottle of wine and ~~full course~~ meal shall be provided by the
505 licensee and attached to the container. If transported in a

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506 motor vehicle, the container with the resealed bottle of wine
507 must be placed in a locked glove compartment, a locked trunk, or
508 the area behind the last upright seat of a motor vehicle that is
509 not equipped with a trunk.

510 Section 93. Paragraphs (a) and (b) of subsection (1),
511 paragraphs (b) and (c) of subsection (2), and subsection (5) of
512 section 565.03, Florida Statutes, are amended to read:

513 565.03 License fees; manufacturers, distributors, brokers,
514 sales agents, and importers of alcoholic beverages; vendor
515 licenses and fees; distilleries and craft distilleries.—

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

517 (a) "Branded product" means any distilled spirits product
518 manufactured on site, or manufactured on site and blended on
519 site with other distilled spirits, which requires a federal
520 certificate and label approval by the Federal Alcohol
521 Administration Act or federal regulations.

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

527 (2)

528 (b) A licensed distillery or craft distillery may ~~Persons~~
529 ~~licensed under this section who are in the business of~~
530 ~~distilling spirituous liquors may also~~ engage in the business of

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531 rectifying and blending spirituous liquors without the payment
532 of an additional license tax.

533 (c) A craft distillery licensed under this section which
534 is not licensed as a vendor under s. 561.221 may sell to
535 consumers under its craft distillery license, at its souvenir
536 gift shop, up to 75,000 gallons per calendar year of branded
537 products ~~distilled on its premises in this state~~ in factory-
538 sealed containers that are filled at the distillery for off-
539 premises consumption by consumers. Such sales are authorized
540 only on ~~private~~ property owned or leased by the craft distillery
541 which is contiguous to the craft distillery's licensed
542 ~~distillery premises approved by the division in this state and~~
543 ~~included on the sketch or diagram defining the licensed premises~~
544 ~~submitted with the distillery's license application. All sketch~~
545 ~~or diagram revisions by the distillery shall require the~~
546 ~~division's approval verifying that the souvenir gift shop~~
547 ~~location operated by the licensed distillery is owned or leased~~
548 ~~by the distillery and on property contiguous to the distillery's~~
549 ~~production building in this state.~~

550 1. A craft distillery may not sell under its craft
551 distillery license any factory-sealed individual containers of
552 spirits to consumers in this state except in face-to-face sales
553 transactions with such consumers at the craft distillery's
554 licensed premises. Such containers must be in compliance with

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555 ~~the container limits in s. 565.10 who are making a purchase of~~
556 ~~no more than six individual containers of each branded product.~~

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

562 ~~2.3.~~ A craft distillery must report to the division within
563 5 days after it reaches the production limitations provided in
564 paragraph (1)(b). Any retail sales to consumers under its craft
565 distillery license at the craft distillery's licensed premises
566 are prohibited beginning the day after it reaches the production
567 limitation.

568 ~~3.4.~~ A craft distillery that has not been issued a
569 vendor's license under s. 561.221 may not ship or arrange to
570 ship any of its distilled spirits to consumers in this state and
571 may sell and deliver only to consumers within the state in a
572 face-to-face transaction at the distillery property. However, a
573 craft distillery ~~distiller~~ licensed under this section may ship,
574 arrange to ship, or deliver such spirits to manufacturers of
575 distilled spirits, wholesale distributors of distilled spirits,
576 state or federal bonded warehouses, ~~and~~ exporters, or consumers
577 located outside of this state; however, all such shipments must
578 comply with the laws where such products are scheduled to be
579 delivered for personal use.

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580 4. A craft distillery may transfer up to 75,000 gallons
581 per calendar year of distilled spirits that it manufactures from
582 its federal bonded space, nonbonded space at its licensed
583 premises, or storage areas to its souvenir gift shop.

584 ~~5. Except as provided in subparagraph 6., it is unlawful~~
585 ~~to transfer a distillery license for a distillery that produces~~
586 ~~75,000 or fewer gallons per calendar year of distilled spirits~~
587 ~~on its premises or any ownership interest in such license to an~~
588 ~~individual or entity that has a direct or indirect ownership~~
589 ~~interest in any distillery licensed in this state; another~~
590 ~~state, territory, or country; or by the United States government~~
591 ~~to manufacture, blend, or rectify distilled spirits for beverage~~
592 ~~purposes.~~

593 ~~6. A craft distillery shall not have its ownership~~
594 ~~affiliated with another distillery, unless such distillery~~
595 ~~produces 75,000 or fewer gallons per calendar year of distilled~~
596 ~~spirits on each of its premises in this state or in another~~
597 ~~state, territory, or country.~~

598 (5) A craft distillery may transfer distilled spirits to
599 any of its retail areas pursuant to paragraph (2)(c) or s.
600 561.221 and making sales under paragraph (2)(e) is responsible
601 for submitting any excise taxes due to the state on distilled
602 spirits on beverages under the Beverage Law with in its monthly
603 report to the division with any tax payments due to the state.

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604 Section 94. Section 565.17, Florida Statutes, is amended
605 to read:

606 565.17 Beverage tastings by distributors, craft
607 distilleries, and vendors.—A licensed distributor of spirituous
608 beverages, a craft distillery, as defined in s. 565.03, or any
609 vendor, is authorized to conduct spirituous beverage tastings
610 upon any licensed premises authorized to sell spirituous
611 beverages by package or for consumption on premises without
612 being in violation of s. 561.42, provided that the conduct of
613 the spirituous beverage tasting shall be limited to and directed
614 toward the general public of the age of legal consumption.

615
616 -----

T I T L E A M E N D M E N T

618 Remove lines 2333-2556 of the amendment and insert:
619 An act relating to the Department of Business and
620 Professional Regulation; providing a short title;
621 amending s. 287.055, F.S.; conforming provisions to
622 changes made by the act; amending s. 322.57, F.S.;
623 defining the term "servicemember"; requiring the
624 Department of Highway Safety and Motor Vehicles to
625 waive certain commercial driver license requirements
626 for servicemembers and veterans under certain
627 circumstances; requiring rulemaking; amending s.
628 326.004, F.S.; deleting the requirement for a yacht

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629 broker to maintain a separate license for each branch
630 office; deleting the requirement for the division to
631 establish a fee; amending s. 447.02, F.S.; conforming
632 provisions to changes made by the act; repealing ss.
633 447.04, 447.041, 447.045, and 447.046, F.S., relating
634 to licensure and permit requirements for business
635 agents, hearings for persons or labor organizations
636 denied licensure as a business agent, confidential
637 information obtained during the application process,
638 and required registration of labor organizations,
639 respectively; amending s. 447.09, F.S.; deleting
640 certain prohibited actions relating to the right of
641 franchise of a member of a labor organization;
642 repealing ss. 447.12 and 447.16, F.S., relating to
643 registration fees and applicability; amending s.
644 447.305, F.S.; deleting a provision that requires
645 notification of registrations and renewals to the
646 department; amending s. 455.213, F.S.; requiring the
647 Department of Business and Professional Regulation or
648 a board to seek reciprocal licensing agreements with
649 other states under certain circumstances; providing
650 requirements; creating s. 455.2278, F.S.; providing
651 definitions; prohibiting the department or a board
652 from suspending or revoking a person's license solely
653 on the basis of a delinquency or default in the

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654 payment of his or her student loan; prohibiting the
655 department or a board from suspending or revoking a
656 person's license solely on the basis of a default in
657 satisfying the requirements of his or her work-
658 conditional scholarship; amending s. 456.072, F.S.;
659 providing that failing to repay a student loan issued
660 or guaranteed by the state or the Federal Government
661 in accordance with the terms of the loan is not
662 considered a failure to perform a statutory or legal
663 obligation; repealing s. 456.0721, F.S., relating to
664 practitioners in default on student loan or
665 scholarship obligations; amending s. 456.074; removing
666 the requirements for immediate suspension of a health
667 care practitioner for default on a specified student
668 loan; amending s. 468.401, F.S.; revising definitions;
669 repealing ss. 468.402, 468.403, 468.404, and 468.405,
670 F.S., relating to duties and authority of the
671 Department of Business and Professional Regulation
672 with regard to licensure of talent agencies, licensure
673 requirements, license fees and renewals, and
674 qualification for a talent agency license,
675 respectively; amending s. 468.406, F.S.; requiring an
676 owner or operator of a talent agency to post an
677 itemized schedule of fees, charges, and commissions in
678 a specified place; repealing s. 468.407, F.S.,

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679 relating to the form and posting requirements for a
680 license; amending s. 468.408, F.S.; conforming
681 provisions to changes made by the act; prohibiting
682 certain bonds from being issued or renewed by a
683 bonding agency to an owner or operator of a talent
684 agency unless the bonding agency verifies that each
685 owner or operator has not been convicted of specified
686 crimes; amending s. 468.409, F.S.; deleting a
687 requirement for record inspection; amending s.
688 468.410, F.S.; deleting a requirement to include
689 specified information in a contract between a talent
690 agency and applicant; amending s. 468.412, F.S.;
691 deleting recordkeeping and posting requirements;
692 amending s. 468.413, F.S.; revising criminal
693 penalties; conforming provisions to changes made by
694 the act; repealing s. 468.414, F.S., relating to the
695 deposit of certain funds in the Professional
696 Regulation Trust Fund; amending s. 468.415, F.S.;
697 prohibiting any agent, owner, or operator who commits
698 sexual misconduct in the operation of a talent agency
699 from acting as an agent, owner, or operator of a
700 Florida talent agency; amending s. 468.505, F.S.;
701 providing that certain unlicensed persons are not
702 prohibited or restricted from his or her practice,
703 services, or activities in dietetics and nutrition

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704 under certain circumstances; amending 468.524, F.S.;

705 deleting specified exemptions from the time

706 restriction for an employee leasing company to reapply

707 for licensure; amending s. 468.603, F.S.; revising a

708 definition; amending s. 468.609, F.S.; revising

709 certain experience requirements for a person to take

710 the examination for certification; revising the time

711 period a provisional certificate is valid; amending s.

712 468.613, F.S.; providing for waiver of specified

713 requirements for certification under certain

714 circumstances; amending s. 468.8314, F.S.; requiring

715 an applicant for a license by endorsement to maintain

716 a specified insurance policy; requiring the department

717 to certify an applicant who holds a specified license

718 issued by another state or territory of the United

719 States under certain circumstances; amending s.

720 471.015, F.S.; revising licensure requirements for

721 engineers who hold specified licenses in another

722 state; amending s. 473.308, F.S.; deleting continuing

723 education requirements for license by endorsement for

724 certified public accountants; amending s. 474.202,

725 F.S.; revising the definition of the term "limited-

726 service veterinary medical practice" to include

727 certain vaccinations or immunizations; amending s.

728 474.203, F.S.; providing an exemption for a person

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729 whose work is solely confined to microchip
730 implantation in dogs and cats; amending s. 474.207,
731 F.S.; revising education requirements for licensure by
732 examination; amending s. 474.217, F.S.; requiring the
733 Department of Business and Professional Regulation to
734 issue a license by endorsement to certain applicants
735 who successfully complete a specified examination;
736 amending s. 476.114, F.S.; revising training
737 requirements for licensure as a barber; amending s.
738 476.144, F.S.; requiring the department to license an
739 applicant who is licensed to practice barbering in
740 another state; amending s. 477.013, F.S.; revising the
741 definition of the term "hair braiding"; repealing s.
742 477.0132, F.S., relating to registration for hair
743 braiding, hair wrapping, and body wrapping; amending
744 s. 477.0135, F.S.; providing additional exemptions
745 from license or registration requirements for
746 specified occupations or practices; amending s.
747 477.019, F.S.; conforming provisions to changes made
748 by the act; amending s. 477.0201, F.S.; providing
749 requirements for registration as a specialist;
750 amending s. 477.026, F.S.; conforming provisions to
751 changes made by the act; amending s. 477.0263, F.S.;
752 authorizing certain persons to perform specified
753 cosmetology services in a location other than a

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754 licensed salon under certain circumstances; amending
755 ss. 477.0265 and 477.029, F.S.; conforming provisions
756 to changes made by the act; amending s. 481.201, F.S.;
757 deleting legislative findings relating to the practice
758 of interior design; amending s. 481.203, F.S.;
759 revising definitions; amending s. 481.205, F.S.;
760 conforming provisions to changes made by the act;
761 amending s. 481.207, F.S.; revising certain fees for
762 interior designers; amending s. 481.209, F.S.;
763 providing requirements for a certificate of
764 registration and a seal for interior designers;
765 conforming provisions to changes made by the act;
766 amending s. 481.213, F.S.; revising requirements for
767 certification of licensure by endorsement for certain
768 licensees to engage in the practice of architecture;
769 providing that registration is not required for
770 specified persons to practice; amending s. 481.2131,
771 F.S.; requiring certain interior designers to include
772 a specified seal when submitting documents for the
773 issuance of a building permit; amending s. 481.215,
774 F.S.; revising the number of hours of specified
775 courses the board must require for the renewal of a
776 license or certificate of registration; authoring
777 licensees to complete certain courses online; amending
778 s. 481.217, F.S.; conforming provisions to changes

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779 made by the act; amending s. 481.219, F.S.; deleting
780 provisions permitting the practice of or offer to
781 practice interior design through certain business
782 organizations; deleting provisions requiring
783 certificates of authorization for certain business
784 organizations offering interior design services to the
785 public; requiring a licensee or applicant in the
786 practice of architecture to qualify a business
787 organization; providing requirements; amending
788 481.221, F.S.; requiring registered architects and
789 certain business organizations to display their
790 license number in specified advertisements; amending
791 s. 481.223, F.S.; providing construction; amending s.
792 481.2251, F.S.; revising acts that constitute grounds
793 for disciplinary actions relating to interior
794 designers; amending ss. 481.229 and 481.231, F.S.;
795 conforming provisions to changes made by the act;
796 amending s. 481.303, F.S.; deleting the definition of
797 the term "certificate of authorization"; amending s.
798 481.310, F.S.; providing that an applicant who holds a
799 specified degree is not required to demonstrate 1 year
800 of practical experience for licensure; amending s.
801 481.311, F.S.; requiring the Board of Landscape
802 Architecture to certify an applicant who holds a
803 specified license issued by another state or territory

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804 of the United States under certain circumstances;
805 conforming provisions; amending s. 481.313, F.S.;
806 authorizing a landscape architect to receive hour-for-
807 hour credit for certain approved continuing education
808 courses under certain circumstances; 481.317, F.S.;
809 conforming provisions; amending s. 481.319, F.S.;
810 deleting the requirement for a certificate of
811 authorization; authorizing landscape architects to
812 practice through a corporation or partnership;
813 amending s. 481.321, F.S.; requiring a landscape
814 architect to display their certificate number in
815 specified advertisements; amending s. 481.329, F.S.;
816 conforming a cross-reference; amending s. 489.103,
817 F.S.; revising certain contract prices for exemption;
818 amending s. 489.111, F.S.; providing that an applicant
819 who is exempt from a specified examination is eligible
820 for licensure; amending s. 489.113, F.S.; providing
821 that an applicant holding a specified degree does not
822 have to pass a certain examination; amending s.
823 489.115, F.S.; requiring the Construction Industry
824 Licensing Board to certify any applicant who holds a
825 specified license to practice contracting issued by
826 another state or territory of the United States under
827 or certain persons licensed by endorsement or
828 reciprocity under certain circumstances; amending s.

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829 489.511, F.S.; requiring the board to certify as
830 qualified for certification by endorsement any
831 applicant who holds a specified license to practice
832 electrical or alarm system contracting issued by
833 another state or territory of the United States under
834 certain circumstances; amending s. 489.517, F.S.;
835 providing a reduction in certain continuing education
836 hours required for certain contractors; amending s.
837 489.518, F.S.; requiring a person to have completed a
838 specified amount of training within a certain time
839 period to perform the duties of an alarm system agent;
840 amending s. 492.104, F.S.; conforming provisions to
841 changes made by the act; amending 492.108, F.S.;
842 requiring the department to issue a license by
843 endorsement to any applicant who has held a specified
844 license to practice geology in another state,
845 territory, or possession of the United States for a
846 certain period of time; providing that an applicant
847 may take the examination required by the board if they
848 have not met the specified examination requirement;
849 amending s. 492.111, F.S.; deleting the requirements
850 for a certificate of authorization for a professional
851 geologist; amending ss. 492.113 and 492.115, F.S.;
852 conforming provisions; creating s. 509.102, F.S.;
853 providing a definition for the term "mobile food

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854 dispensing vehicles"; prohibiting a municipality,
855 county, or other local government entity from
856 requiring a separate license, registration, or permit
857 or fee or from operating within the jurisdiction;
858 providing applicability; amending s. 548.003, F.S.;
859 deleting the requirement that the Florida State Boxing
860 Commission adopt rules relating to a knockdown
861 timekeeper; amending s. 548.017, F.S.; deleting the
862 licensure requirement for a timekeeper or announcer;
863 amending s. 553.5141, F.S.; conforming provisions to
864 changes made by the act; amending s. 553.74, F.S.;
865 revising the membership and qualifications of the
866 Florida Building Commission; amending s. 558.002,
867 F.S.; conforming provisions to changes made by the
868 act; amending s. 823.15, F.S.; authorizing certain
869 persons to implant dogs and cats with specified radio
870 frequency identification devices under certain
871 circumstances; authorizing such persons to contact the
872 owner of record listed on such devices; amending s.
873 561.221, F.S.; authorizing the division to issue
874 vendor licenses to certain craft distilleries for the
875 sale of alcoholic beverages on the distillery's
876 licensed premises; requiring that the licensed vendor
877 premises be included on certain sketches and diagrams
878 under certain circumstances; requiring that all

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879 | revisions to sketches or diagrams be approved by the
880 | division; requiring the division to issue permits to
881 | craft distilleries for conducting tastings and sales
882 | at certain events; requiring craft distilleries to pay
883 | entry fees for such events and have a representative
884 | of the distillery present at each event; requiring
885 | that certain alcoholic beverages be obtained through a
886 | licensed distributor, a licensed broker or sales
887 | agent, or a licensed importer; amending s. 561.24,
888 | F.S.; authorizing a craft distillery to be licensed as
889 | a distributor under certain circumstances; amending s.
890 | 561.42, F.S.; prohibiting certain entities and persons
891 | from directly or indirectly assisting or providing
892 | specified items, monies, or services to a licensed
893 | vendor; prohibiting a licensed vendor from accepting
894 | specified items, monies, or services from certain
895 | entities or persons; authorizing the Division of
896 | Alcoholic Beverages and Tobacco adopt rules and
897 | require reports to enforce, and to impose
898 | administrative sanctions for a violation of
899 | limitations established under the Beverage Law on
900 | specified items, monies, or services; prohibiting a
901 | vendor from displaying certain signs in the window or
902 | windows of his or her licensed premises; authorizing
903 | certain entities and persons to furnish, supply, sell,

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904 rent, lend, or give certain advertising material to
905 certain vendors; defining the term "decalcomania";
906 providing exemptions relating to tied house evil for
907 certain sales and purchases of merchandise; providing
908 conditions for the exemptions; defining the term
909 "merchandise"; prohibiting the sale of certain
910 advertising specialties at a price higher than the
911 actual cost to the industry member; authorizing a
912 manufacturer or importer of malt beverages and a
913 vendor to enter into a written agreement for certain
914 purposes; providing requirements for such agreement;
915 defining the term "negotiated at arm's length";
916 specifying that a brand-naming rights agreement does
917 not obligate or place responsibility upon a
918 distributor; providing civil penalties; prohibiting
919 the division from imposing certain civil penalties;
920 creating s. 562.65, F.S.; providing definitions;
921 authorizing certain licensed vendors of alcoholic
922 beverages to allow dogs in certain designated areas on
923 licensed premises under specified conditions;
924 providing for liability; authorizing the Division of
925 Alcoholic Beverages and Tobacco of the Department of
926 Business and Professional Regulation to adopt rules;
927 creating s. 563.061, F.S.; providing definitions;
928 prohibiting consignment sales of malt beverages

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929 between a distributor and vendor; authorizing bona
930 fide returns of malt beverages under certain
931 conditions; providing applicability; authorizing
932 distributors to accept returns of certain products
933 under specified conditions; providing distributor
934 requirements for such returns; providing requirements
935 for exchanges of product; providing recordkeeping
936 requirements; specifying that authorized returns are
937 not gifts, loans, or other prohibited forms of
938 financial aid or assistance; providing penalties;
939 providing for rulemaking; repealing ss. 564.05 and
940 564.055, F.S., relating to limitations on the size of
941 individual wine containers and individual cider
942 containers; amending s. 564.09, F.S.; revising
943 provisions that authorize a restaurant to allow
944 patrons to remove partially consumed bottles of wine
945 from the restaurant for off-premises consumption;
946 amending s. 565.03, F.S.; redefining the terms
947 "branded product" and "craft distillery"; revising the
948 requirements for the sale of branded products by a
949 licensed craft distillery to consumers; deleting a
950 provision that prohibits a craft distillery from
951 selling more than six individual containers of a
952 branded product to a consumer; revising requirements
953 relating to the shipping of distilled spirits to

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954 consumers by a craft distillery; deleting requirements
955 relating to the transfer of certain distillery
956 licenses and ownership therein; deleting a prohibition
957 against certain affiliations; authorizing a craft
958 distillery to transfer specified quantities of
959 specified distilled spirits from certain locations to
960 its souvenir gift shop; requiring a craft distillery
961 making such transfers to submit certain excise taxes
962 with its monthly report to the Division of Alcoholic
963 Beverages and Tobacco of the Department of Business
964 and Professional Regulation; amending s. 565.17, F.S.;
965 authorizing a craft distillery to conduct spirituous
966 beverage tastings on specified licensed premises under
967 certain circumstances; providing effective dates.

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