

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Raschein offered the following:

Amendment (with title amendment)

Between lines 2830 and 2831, insert:

Section 98. 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.

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14 565.03, even if such distillery is also licensed as a
15 distributor, for the sale of alcoholic beverages on a craft
16 distillery's licensed premises.

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

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

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

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39 Section 99. Subsection (9) is added to section 561.24,
40 Florida Statutes, to read:

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

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

47 Section 100. Subsections (13) and (14) of section 561.42,
48 Florida Statutes, are renumbered as subsections (14) and (15),
49 respectively, subsections (1), (8), (11), (12), and present
50 subsection (14) are amended, and new subsections (13) and (16)
51 are added to that section, to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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187 would require proprietary software unavailable to the recipient.

188 These records must show:

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

191 b. The recipient's license number;

192 c. The date furnished or given;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

310 Section 101. Section 562.65, Florida Statutes, is created
311 to read:

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312 562.65 Licensed premises of vendors; dogs allowed in
313 designated areas.—

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

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

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

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

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

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

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

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

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

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

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

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

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

343 Section 102. Section 563.061, Florida Statutes, is created
344 to read:

345 563.061 Return of malt beverage products.-

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

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

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

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

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

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

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

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

377 (3) RETURNS OF UNDAMAGED PRODUCT.—

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

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

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

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

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

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

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

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

415

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

420 (4) RETURNS OF DAMAGED PRODUCT.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

486 Section 103. Section 564.05, Florida Statutes, is
487 repealed.

488 Section 104. Section 564.055, Florida Statutes, is
489 repealed.

490 Section 105. Section 564.09, Florida Statutes, is amended
491 to read:

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

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507 licensee and attached to the container. If transported in a
508 motor vehicle, the container with the resealed bottle of wine
509 must be placed in a locked glove compartment, a locked trunk, or
510 the area behind the last upright seat of a motor vehicle that is
511 not equipped with a trunk.

512 Section 106. Paragraphs (a) and (b) of subsection (1),
513 paragraphs (b) and (c) of subsection (2), and subsection (5) of
514 section 565.03, Florida Statutes, are amended to read:

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

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

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

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

529 (2)

530 (b) A licensed distillery or craft distillery may ~~Persons~~
531 ~~licensed under this section who are in the business of~~

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532 ~~distilling spirituous liquors may also engage in the business of~~
533 ~~rectifying and blending spirituous liquors without the payment~~
534 ~~of an additional license tax.~~

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

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

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

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

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

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

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

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

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

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

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606 Section 107. Section 565.17, Florida Statutes, is amended
607 to read:

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

617
618 -----

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

620 Remove everything before the enacting clause and insert:

621 A bill to be entitled

622 An act relating to the Department of Business and
623 Professional Regulation; providing a short title;
624 amending s. 287.055, F.S.; conforming provisions to
625 changes made by the act; amending s. 322.57, F.S.;
626 defining the term "servicemember"; requiring the
627 Department of Highway Safety and Motor Vehicles to
628 waive certain commercial driver license requirements
629 for servicemembers and veterans under certain
630 circumstances; requiring rulemaking; amending s.

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631 326.004, F.S.; deleting the requirement for a yacht
632 broker to maintain a separate license for each branch
633 office; deleting the requirement for the division to
634 establish a fee; amending s. 447.02, F.S.; conforming
635 provisions to changes made by the act; repealing ss.
636 447.04, 447.041, 447.045, and 447.046, F.S., relating
637 to licensure and permit requirements for business
638 agents, hearings for persons or labor organizations
639 denied licensure as a business agent, confidential
640 information obtained during the application process,
641 and required registration of labor organizations,
642 respectively; amending s. 447.09, F.S.; deleting
643 certain prohibited actions relating to the right of
644 franchise of a member of a labor organization;
645 repealing ss. 447.12 and 447.16, F.S., relating to
646 registration fees and applicability; amending s.
647 447.305, F.S.; deleting a provision that requires
648 notification of registrations and renewals to the
649 department; amending s. 455.213, F.S.; requiring the
650 Department of Business and Professional Regulation or
651 a board to seek reciprocal licensing agreements with
652 other states under certain circumstances; providing
653 requirements; creating s. 455.2278, F.S.; providing
654 definitions; prohibiting the department or a board
655 from suspending or revoking a person's license solely

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

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681 a specified place; repealing s. 468.407, F.S.,
682 relating to the form and posting requirements for a
683 license; amending s. 468.408, F.S.; conforming
684 provisions to changes made by the act; prohibiting
685 certain bonds from being issued or renewed by a
686 bonding agency to an owner or operator of a talent
687 agency unless the bonding agency verifies that each
688 owner or operator has not been convicted of specified
689 crimes; amending s. 468.409, F.S.; deleting a
690 requirement for record inspection; amending s.
691 468.410, F.S.; deleting a requirement to include
692 specified information in a contract between a talent
693 agency and applicant; amending s. 468.412, F.S.;
694 deleting recordkeeping and posting requirements;
695 amending s. 468.413, F.S.; revising criminal
696 penalties; conforming provisions to changes made by
697 the act; repealing s. 468.414, F.S., relating to the
698 deposit of certain funds in the Professional
699 Regulation Trust Fund; amending s. 468.415, F.S.;
700 prohibiting any agent, owner, or operator who commits
701 sexual misconduct in the operation of a talent agency
702 from acting as an agent, owner, or operator of a
703 Florida talent agency; amending s. 468.505, F.S.;
704 providing that certain unlicensed persons are not
705 prohibited or restricted from his or her practice,

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706 services, or activities in dietetics and nutrition
707 under certain circumstances; amending 468.524, F.S.;
708 deleting specified exemptions from the time
709 restriction for an employee leasing company to reapply
710 for licensure; amending s. 468.603, F.S.; revising a
711 definition; amending s. 468.609, F.S.; revising
712 certain experience requirements for a person to take
713 the examination for certification; revising the time
714 period a provisional certificate is valid; amending s.
715 468.613, F.S.; providing for waiver of specified
716 requirements for certification under certain
717 circumstances; amending s. 468.8314, F.S.; requiring
718 an applicant for a license by endorsement to maintain
719 a specified insurance policy; requiring the department
720 to certify an applicant who holds a specified license
721 issued by another state or territory of the United
722 States under certain circumstances; amending s.
723 471.015, F.S.; revising licensure requirements for
724 engineers who hold specified licenses in another
725 state; amending s. 473.308, F.S.; deleting continuing
726 education requirements for license by endorsement for
727 certified public accountants; amending s. 474.202,
728 F.S.; revising the definition of the term "limited-
729 service veterinary medical practice" to include
730 certain vaccinations or immunizations; amending s.

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731 474.203, F.S.; providing an exemption for a person
732 whose work is solely confined to microchip
733 implantation in dogs and cats; amending s. 474.207,
734 F.S.; revising education requirements for licensure by
735 examination; amending s. 474.217, F.S.; requiring the
736 Department of Business and Professional Regulation to
737 issue a license by endorsement to certain applicants
738 who successfully complete a specified examination;
739 amending s. 476.114, F.S.; revising training
740 requirements for licensure as a barber; amending s.
741 476.144, F.S.; requiring the department to license an
742 applicant who is licensed to practice barbering in
743 another state; amending s. 477.013, F.S.; revising the
744 definition of the term "hair braiding"; repealing s.
745 477.0132, F.S., relating to registration for hair
746 braiding, hair wrapping, and body wrapping; amending
747 s. 477.0135, F.S.; providing additional exemptions
748 from license or registration requirements for
749 specified occupations or practices; amending s.
750 477.019, F.S.; conforming provisions to changes made
751 by the act; amending s. 477.0201, F.S.; providing
752 requirements for registration as a specialist;
753 amending s. 477.026, F.S.; conforming provisions to
754 changes made by the act; amending s. 477.0263, F.S.;
755 authorizing certain persons to perform specified

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

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781 s. 481.217, F.S.; conforming provisions to changes
782 made by the act; amending s. 481.219, F.S.; deleting
783 provisions permitting the practice of or offer to
784 practice interior design through certain business
785 organizations; deleting provisions requiring
786 certificates of authorization for certain business
787 organizations offering interior design services to the
788 public; requiring a licensee or applicant in the
789 practice of architecture to qualify a business
790 organization; providing requirements; amending
791 481.221, F.S.; requiring registered architects and
792 certain business organizations to display their
793 license number in specified advertisements; amending
794 s. 481.223, F.S.; providing construction; amending s.
795 481.2251, F.S.; revising acts that constitute grounds
796 for disciplinary actions relating to interior
797 designers; amending ss. 481.229 and 481.231, F.S.;
798 conforming provisions to changes made by the act;
799 amending s. 481.303, F.S.; deleting the definition of
800 the term "certificate of authorization"; amending s.
801 481.310, F.S.; providing that an applicant who holds a
802 specified degree is not required to demonstrate 1 year
803 of practical experience for licensure; amending s.
804 481.311, F.S.; requiring the Board of Landscape
805 Architecture to certify an applicant who holds a

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

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

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

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

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

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

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

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