

By Senator Hutson

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1 A bill to be entitled
2 An act relating to the Beverage Law; repealing s.
3 564.05, F.S., relating to limitations on the size of
4 individual wine containers; repealing s. 564.055,
5 F.S., relating to limitations on the size of
6 individual cider containers; amending s. 564.09, F.S.;
7 revising provisions that authorize a restaurant to
8 allow patrons to remove partially consumed bottles of
9 wine from a restaurant for off-premises consumption;
10 amending s. 565.03, F.S.; redefining the terms
11 "branded product" and "craft distillery"; revising the
12 requirements for the sale of branded products by a
13 licensed craft distillery to consumers; deleting a
14 provision that prohibits a craft distillery from
15 selling more than six individual containers of a
16 branded product to a consumer; revising requirements
17 relating to the shipping of distilled spirits to
18 consumers by a craft distillery; providing that it is
19 unlawful to transfer a distillery license, or
20 ownership in a distillery license, for certain
21 distilleries to certain individuals or entities;
22 prohibiting a craft distillery from having its
23 ownership affiliated with certain other distilleries;
24 authorizing a craft distillery to transfer specified
25 distilled spirits from certain locations to its
26 souvenir gift shop; requiring a craft distillery
27 making certain transfers of distilled spirits to
28 submit certain excise taxes with its monthly report to
29 the Division of Alcoholic Beverages and Tobacco of the

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30 Department of Business and Professional Regulation;
31 amending s. 561.221, F.S.; authorizing the division to
32 issue vendor's licenses to certain distilleries for
33 the sale of alcoholic beverages on the distillery's
34 licensed premises; requiring that the licensed vendor
35 premises be included on certain sketches and diagrams
36 under certain circumstances; requiring that all
37 revisions to a sketch or diagram be approved by the
38 division; requiring that certain alcoholic beverages
39 be obtained through a licensed distributor, a licensed
40 broker or sales agent, or a licensed importer;
41 providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 564.05, Florida Statutes, is repealed.

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 Section 564.055, Florida Statutes, is repealed.

47 Section 3. Section 564.09, Florida Statutes, is amended to
48 read:

49 564.09 Restaurants; off-premises consumption of wine.-
50 Notwithstanding any other provision of law, a restaurant
51 licensed to sell wine on the premises may permit a patron to
52 remove one unsealed bottle of wine for consumption off the
53 premises if the patron has purchased a ~~full course~~ meal
54 ~~consisting of a salad or vegetable, entree, a beverage, and~~
55 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
56 ~~meal~~ on the restaurant premises. A partially consumed bottle of
57 wine that is to be removed from the premises must be securely
58 resealed by the licensee or its employees before removal from

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

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

72 565.03 License fees; manufacturers, distributors, brokers,
73 sales agents, and importers of alcoholic beverages; vendor
74 licenses and fees; distilleries and craft distilleries.—

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

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

81 (b) "Craft distillery" means a licensed distillery that
82 produces 200,000 ~~75,000~~ or fewer gallons per calendar year of
83 distilled spirits on its premises and is designated as a craft
84 distillery by ~~has notified~~ the division upon notification in
85 writing of its decision to qualify as a craft distillery.

86 (2)

87 (b) A licensed distillery or craft distillery may ~~Persons~~

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88 ~~licensed under this section who are in the business of~~
89 ~~distilling spirituous liquors may also engage in the business of~~
90 ~~rectifying and blending spirituous liquors without the payment~~
91 ~~of an additional license tax.~~

92 (c) A craft distillery licensed under this section which is
93 not licensed as a vendor under s. 561.221 may sell to consumers
94 under its craft distillery license, at its souvenir gift shop,
95 up to 200,000 gallons per calendar year of branded products
96 ~~distilled on its premises in this state~~ in factory-sealed
97 containers that are filled at the distillery for off-premises
98 consumption by consumers. Such sales are authorized only on
99 ~~private~~ property owned or leased by the craft distillery which
100 is contiguous to the craft distillery's licensed ~~distillery~~
101 premises approved by the division ~~in this state and included on~~
102 ~~the sketch or diagram defining the licensed premises submitted~~
103 ~~with the distillery's license application. All sketch or diagram~~
104 ~~revisions by the distillery shall require the division's~~
105 ~~approval verifying that the souvenir gift shop location operated~~
106 ~~by the licensed distillery is owned or leased by the distillery~~
107 ~~and on property contiguous to the distillery's production~~
108 ~~building in this state.~~

109 1. A craft distillery may not sell under its craft
110 distillery license any factory-sealed individual containers of
111 spirits to consumers in this state except in face-to-face sales
112 transactions with such consumers at the craft distillery's
113 licensed premises. Such containers must be in compliance with
114 the container limits as provided in s. 565.10 ~~who are making a~~
115 ~~purchase of no more than six individual containers of each~~
116 ~~branded product.~~

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

122 2.3. A craft distillery must report to the division within
123 5 days after it reaches the production limitations provided in
124 paragraph (1)(b). Any retail sales to consumers under its craft
125 distillery license ~~at the craft distillery's licensed premises~~
126 are prohibited beginning the day after it reaches the production
127 limitation.

128 3.4. A craft distillery that has not been issued a vendor's
129 license under s. 561.221 may not ship or arrange to ship any of
130 its distilled spirits to consumers in this state and may sell
131 and deliver only to consumers within the state in a face-to-face
132 transaction at the distillery property. However, a craft
133 distillery ~~distiller~~ licensed under this section may ship,
134 arrange to ship, or deliver such spirits to manufacturers of
135 distilled spirits, wholesale distributors of distilled spirits,
136 state or federal bonded warehouses, and exporters, or consumers
137 located outside of this state; however, all such shipments must
138 comply with the laws where such products are scheduled to be
139 delivered for personal use.

140 4.5. Except as provided in subparagraph 5. 6., it is
141 unlawful to transfer a distillery license for a distillery that
142 produces 200,000 ~~75,000~~ or fewer gallons per calendar year of
143 distilled spirits on its premises or any ownership interest in
144 such license to an individual or entity that has a direct or
145 indirect ownership interest in any distillery licensed in this

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146 state; another state, territory, or country; or by the United
147 States government to manufacture, blend, or rectify distilled
148 spirits for beverage purposes.

149 ~~5.6.~~ A craft distillery shall not have its ownership
150 affiliated with another distillery, unless such distillery
151 produces 200,000 ~~75,000~~ or fewer gallons per calendar year of
152 distilled spirits on each of its premises in this state or in
153 another state, territory, or country.

154 6. A craft distillery may transfer up to 200,000 gallons
155 per calendar year of distilled spirits that it manufactures from
156 its federal bonded space, nonbonded space at its licensed
157 premises, or storage areas to its souvenir gift shop.

158 (5) A craft distillery may transfer distilled spirits to
159 any of its retail areas pursuant to paragraph (2)(c) or s.
160 561.221 and ~~making sales under paragraph (2)(e)~~ is responsible
161 for submitting any excise taxes due to the state on distilled
162 spirits on beverages under the Beverage Law with in its monthly
163 report to the division ~~with any tax payments due to the state.~~

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

166 561.221 Licensing of manufacturers and distributors as
167 vendors and of vendors as manufacturers; conditions and
168 limitations.—

169 (4) (a) Notwithstanding s. 561.22, s. 561.42, or any other
170 provision of the Beverage Law, the division may issue a vendor's
171 license for the sale of alcoholic beverages on a distillery's
172 licensed premises to a distillery licensed under s. 565.03, even
173 if such distillery is also licensed as a distributor.

174 (b) If the vendor's license is for the sale of alcoholic

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175 beverages on a distillery's licensed premises, the licensed
176 vendor premises must be included on the sketch or diagram
177 defining the licensed premises submitted with the distillery's
178 license application. All sketch or diagram revisions by the
179 distillery must be approved by the division, verifying that the
180 vendor premises operated by the licensed distillery is owned or
181 leased by the distillery and is located on the licensed
182 distillery premises.

183 (c) Distilled spirits and other alcoholic beverages
184 manufactured by another licensed manufacturer, including any
185 distilled spirits that are owned in whole or in part by the
186 craft distillery but are distilled by another manufacturer, must
187 be obtained through a licensed distributor, a licensed broker or
188 sales agent, or a licensed importer.

189 Section 6. This act shall take effect July 1, 2020.