

By Senator Brandes

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1 A bill to be entitled
2 An act relating to the Beverage Law; repealing s.
3 564.05, F.S., relating to limitations on the size of
4 individual wine containers; repealing s. 564.055,
5 F.S., relating to limitations on the size of
6 individual cider containers; amending s. 564.09, F.S.;
7 revising provisions that authorize a restaurant to
8 allow patrons to remove partially consumed bottles of
9 wine from the 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; deleting requirements
19 relating to the transfer of certain distillery
20 licenses and ownership therein; deleting a prohibition
21 against certain affiliations; authorizing a craft
22 distillery to transfer specified quantities of
23 specified distilled spirits from certain locations to
24 its souvenir gift shop; requiring a craft distillery
25 making such transfers to submit certain excise taxes
26 with its monthly report to the Division of Alcoholic
27 Beverages and Tobacco of the Department of Business
28 and Professional Regulation; amending s. 561.221,
29 F.S.; authorizing the division to issue vendor's

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30 licenses to certain distilleries for the sale of
31 alcoholic beverages on the distillery's licensed
32 premises; requiring that the licensed vendor premises
33 be included on certain sketches and diagrams under
34 certain circumstances; requiring that all revisions to
35 sketches or diagrams be approved by the division;
36 requiring the division to issue permits to
37 distilleries for conducting tastings and sales at
38 certain events; requiring distilleries to pay entry
39 fees for such events and have a representative of the
40 distillery present at each event; providing an
41 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 Section 564.05, Florida Statutes, is repealed.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 Section 564.055, Florida Statutes, is repealed.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 250,000 ~~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 75,000 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 in s. 565.10 ~~who are making a purchase of~~
115 ~~no more than six individual containers of each branded product.~~

116 2. ~~Each container sold in face to face transactions with~~

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

121 2.3. A craft distillery must report to the division within
122 5 days after it reaches the production limitations provided in
123 paragraph (1)(b). Any retail sales to consumers under its craft
124 distillery license at the craft distillery's licensed premises
125 are prohibited beginning the day after it reaches the production
126 limitation.

127 3.4. A craft distillery that has not been issued a vendor's
128 license under s. 561.221 may not ship or arrange to ship any of
129 its distilled spirits to consumers in this state and may sell
130 and deliver only to consumers within the state in a face-to-face
131 transaction at the distillery property. However, a craft
132 distillery distiller licensed under this section may ship,
133 arrange to ship, or deliver such spirits to manufacturers of
134 distilled spirits, wholesale distributors of distilled spirits,
135 state or federal bonded warehouses, and exporters, or consumers
136 located outside of this state; however, all such shipments must
137 comply with the laws where such products are scheduled to be
138 delivered for personal use.

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

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

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

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

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

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

165 561.221 Licensing of manufacturers and distributors as
166 vendors and of vendors as manufacturers; conditions and
167 limitations.-

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

173 (b) If the vendor's license is for the sale of alcoholic
174 beverages on a distillery's licensed premises, the licensed

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

182 (c) The division shall, upon request, issue permits to a
183 distillery to conduct tastings and sales of distilled spirits
184 produced by the distillery at fairs, trade shows, expositions,
185 and festivals in this state. The distillery shall pay all entry
186 fees for such events and shall have a representative of the
187 craft distillery present during each event. The permit is
188 limited to the length of the event for which it is issued.

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