

1 A bill to be entitled
 2 An act relating to tied house evil; repealing s.
 3 561.42, F.S., relating to tied house evil; amending
 4 ss. 561.221, 561.32, 561.423, 561.424, 564.07, 564.08,
 5 565.16, and 565.17, F.S.; conforming provisions to
 6 changes made by the act; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 561.42, Florida Statutes, is repealed.

11 Section 2. Paragraph (a) of subsection (1) and paragraph
 12 (a) of subsection (2) of section 561.221, Florida Statutes, are
 13 amended to read:

14 561.221 Licensing of manufacturers and distributors as
 15 vendors and of vendors as manufacturers; conditions and
 16 limitations.—

17 (1) (a) Neither ~~Nothing contained in~~ s. 561.22 nor ~~s.~~
 18 ~~561.42, or~~ any other provision of the Beverage Law prohibits the
 19 ownership, management, operation, or control of not more than
 20 three vendor's licenses for the sale of alcoholic beverages by a
 21 manufacturer of wine who is licensed and engaged in the
 22 manufacture of wine in this state, even if such manufacturer is
 23 also licensed as a distributor; provided that no such vendor's
 24 license shall be owned, managed, operated, or controlled by any
 25 licensed manufacturer of wine unless the licensed premises of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26 | the vendor are situated on property contiguous to the
 27 | manufacturing premises of the licensed manufacturer of wine.

28 | (2) (a) Notwithstanding s. 561.22, ~~s. 561.42~~, or any other
 29 | provision of the Beverage Law, the division is authorized to
 30 | issue vendor's licenses to a manufacturer of malt beverages,
 31 | even if such manufacturer is also licensed as a distributor, for
 32 | the sale of alcoholic beverages on property consisting of a
 33 | single complex, which property shall include a brewery. However,
 34 | such property may be divided by no more than one public street
 35 | or highway.

36 | Section 3. Paragraph (a) of subsection (2) of section
 37 | 561.32, Florida Statutes, is amended to read:

38 | 561.32 Transfer of licenses; change of officers or
 39 | directors; transfer of interest.—

40 | (2) (a) A ~~No~~ person is not entitled as a matter of right to
 41 | a transfer of a license or interest in a license to a relative
 42 | or to any other person or to a change of executive officers or
 43 | directors:

44 | 1. If the division has notified the licensee in writing
 45 | that a revocation, suspension, or administrative proceeding ~~or a~~
 46 | ~~proceeding under s. 561.42~~ has been or will be brought against
 47 | the license; or

48 | 2. If a licensee, executive officer, director, or person
 49 | holding an interest in the license or business has been
 50 | arrested, charged, indicted, or convicted, or has appealed the

HB 6017

2020

51 conviction, of a crime which is disqualifying under the
52 alcoholic beverage laws. Any licensee, executive officer,
53 director, or person holding an interest in a license or business
54 who is arrested, charged, indicted, or convicted, or has
55 appealed the conviction, of a crime which is disqualifying under
56 the alcoholic beverage laws is required to immediately notify
57 the division in writing of such action.

58

59 It is unlawful to transfer or attempt to transfer any license or
60 interest in a license or business or change executive officers
61 or directors contrary to the provisions of this section.

62 Section 4. Section 561.423, Florida Statutes, is amended
63 to read:

64 561.423 Beer and malt beverages; in-store servicing
65 authorized. ~~Nothing in s. 561.42 or any other provision of The~~
66 Beverage Law does not ~~shall~~ prohibit a distributor of beer or
67 malt beverages from providing in-store servicing of beer or malt
68 beverages. "In-store servicing" as used herein means quality
69 control procedures which include, but are not limited to:
70 rotation of malt beverages on the vendor's shelves, rotation and
71 placing of malt beverages in vendor's coolers, proper stacking
72 and maintenance of appearance and display of malt beverages on
73 vendor's shelves, price-stamping of malt beverages in vendor's
74 licensed premises, and moving or resetting any product or
75 display in order to display a distributor's own product when

76 | authorized by the vendor.

77 | Section 5. Subsection (2) of section 561.424, Florida
78 | Statutes, is amended to read:

79 | 561.424 Vinous beverages; in-store servicing authorized.—

80 | (2) ~~Nothing in s. 561.42 or any other provision of The~~
81 | ~~alcoholic~~ Beverage Law does not shall prohibit a distributor of
82 | wine from providing in-store servicing of wine sold by such
83 | distributor to a vendor. "In-store servicing" as used herein
84 | means: placing the wine on the vendor's shelves and maintaining
85 | the appearance and display of said wine on the vendor's shelves
86 | in the vendor's licensed premises; placing the wine not so
87 | shelved or displayed in a storage area designated by the vendor,
88 | which is located in the vendor's licensed premises; rotation of
89 | vinous beverages; and price stamping of vinous beverages in
90 | vendor's licensed premises. This section shall not apply to
91 | distilled spirits.

92 | Section 6. Section 564.07, Florida Statutes, is amended to
93 | read:

94 | 564.07 Wine lists furnished to vendors.—A distributor of
95 | vinous beverages in this state may furnish, give, rent, loan, or
96 | sell to a vendor, and a vendor may accept, alcoholic beverage
97 | lists, commonly referred to as "wine lists," ~~without the same~~
98 | ~~being a violation of s. 561.42(1).~~

99 | Section 7. Section 564.08, Florida Statutes, is amended to
100 | read:

101 564.08 Wine tastings by distributors and vendors.—A
 102 licensed distributor of vinous beverages, or any vendor, is
 103 authorized to conduct wine tastings upon any licensed premises
 104 authorized to sell vinous or spirituous beverages by package or
 105 for consumption on premises ~~without being in violation of s.~~
 106 ~~561.42~~, provided that the conduct of the wine tasting shall be
 107 limited to and directed toward the general public of the age of
 108 legal consumption.

109 Section 8. Section 565.16, Florida Statutes, is amended to
 110 read:

111 565.16 Beverage lists furnished to vendors.—A distributor
 112 of spirituous beverages in this state may furnish, give, rent,
 113 loan, or sell to a vendor, and a vendor may accept, alcoholic
 114 beverage lists, otherwise referred to as "wine lists," ~~without~~
 115 ~~the same being a violation of s. 561.42(1).~~

116 Section 9. Section 565.17, Florida Statutes, is amended to
 117 read:

118 565.17 Beverage tastings by distributors and vendors.—A
 119 licensed distributor of spirituous beverages, or any vendor, is
 120 authorized to conduct spirituous beverage tastings upon any
 121 licensed premises authorized to sell spirituous beverages by
 122 package or for consumption on premises ~~without being in~~
 123 ~~violation of s. 561.42~~, provided that the conduct of the
 124 spirituous beverage tasting shall be limited to and directed
 125 toward the general public of the age of legal consumption.

HB 6017

2020

126 | Section 10. This act shall take effect July 1, 2020. |