

By Senator Brandes

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1 A bill to be entitled
2 An act relating to the Beverage Law; amending s.
3 561.01, F.S.; defining the term "barrel"; amending s.
4 561.221, F.S.; authorizing manufacturers to transfer
5 malt beverages that are owned in whole or in part by
6 the manufacturer but are brewed by another
7 manufacturer; authorizing manufacturers to sell,
8 transport, or deliver malt beverages to vendors if
9 certain requirements are met; revising requirements
10 for vendors to be licensed as manufacturers;
11 conforming provisions to changes made by the act;
12 amending s. 561.42, F.S.; prohibiting certain entities
13 from renting or loaning durable retailer advertising
14 specialties; requiring that durable retailer
15 advertising specialties be sold at a price not less
16 than the actual cost to the industry member who
17 initially purchased such items; prohibiting
18 distributors of malt beverages from giving vendors
19 draft equipment and tapping accessories at no charge;
20 amending s. 561.57, F.S.; removing a provision that
21 prohibits a manufacturer possessing a vendor's license
22 from making specified deliveries; amending s. 563.022,
23 F.S.; revising construction; repealing s. 561.37,
24 F.S., relating to bonds for tax payments; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (23) is added to section 561.01,

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30 Florida Statutes, to read:

31 561.01 Definitions.—As used in the Beverage Law:

32 (23) "Barrel" means 31 gallons.

33 Section 2. Paragraphs (c) and (d) of subsection (2) and
34 paragraph (a) of subsection (3) of section 561.221, Florida
35 Statutes, are amended, and a new paragraph (e) and paragraph (f)
36 are added to subsection (2) of that section, to read:

37 561.221 Licensing of manufacturers and distributors as
38 vendors and of vendors as manufacturers; conditions and
39 limitations.—

40 (2)

41 (c) Notwithstanding any other provision of the Beverage
42 Law, a manufacturer holding multiple manufacturing licenses may
43 transfer malt beverages to a licensed facility, as provided in
44 s. 563.022(14)(d), in an amount up to the yearly production
45 amount at the receiving facility. Malt beverages and other
46 alcoholic beverages manufactured by another licensed
47 manufacturer, ~~including any malt beverages that are owned in~~
48 ~~whole or in part by the manufacturer but are brewed by another~~
49 ~~manufacturer,~~ must be obtained through a licensed distributor or
50 a manufacturer authorized to deliver malt beverages under
51 paragraph (e) or paragraph (f). A manufacturer may also transfer
52 to their licensed facility any malt beverages that are owned in
53 whole or in part by the manufacturer but are brewed by another
54 manufacturer that is not also a licensed manufacturer, a
55 licensed broker or sales agent, or a licensed importer.

56 ~~(d) A manufacturer possessing a vendor's license under this~~
57 ~~subsection is not permitted to make deliveries under s.~~
58 ~~561.57(1).~~

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59 (e) A manufacturer licensed under this subsection which
60 does not have an existing distribution agreement with a
61 distributor pursuant to s. 563.022 for the territory where the
62 manufacturer intends to sell, transport, or deliver malt
63 beverages to vendors may sell, transport, or deliver to vendors
64 from the manufacturer's licensed premises malt beverages that
65 have been brewed by the manufacturer if:

66 1. The manufacturer complies with the requirements of ss.
67 561.42 and 561.423, as applicable, to the same extent as if the
68 manufacturer were a distributor; and

69 2. The manufacturer produces less than 20,000 barrels of
70 malt beverages annually.

71 (f) A manufacturer licensed under this subsection which has
72 an existing distribution agreement with a distributor pursuant
73 to s. 563.022 may sell, transport, or deliver to vendors from
74 the manufacturer's licensed premises malt beverages that have
75 been brewed by the manufacturer if:

76 1. The distributor has rejected or refused to deliver to
77 vendors the specific product line or brand extension of malt
78 beverages which the manufacturer intends to deliver;

79 2. The delivery to a single vendor does not exceed 2
80 barrels; or

81 3. In a delivery to a single vendor which exceeds 2
82 barrels, the manufacturer obtains permission from the
83 distributor for the delivery of any malt beverages to a licensed
84 vendor in the distributor's sales territory.

85 (3) (a) Notwithstanding other provisions of the Beverage
86 Law, any vendor licensed in this state may be licensed as a
87 manufacturer of malt beverages upon a finding by the division

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88 that:

89 1. The vendor will be engaged in brewing malt beverages at
90 a single location and in an amount which will not exceed 5,000
91 barrels ~~10,000 kegs~~ per year. ~~For purposes of this subsection,~~
92 ~~the term "keg" means 15.5 gallons.~~

93 2. The malt beverages so brewed will be sold to consumers
94 for consumption on the vendor's licensed premises or on other
95 ~~contiguous~~ licensed premises owned by the vendor.

96 Section 3. Paragraphs (b) and (f) of subsection (14) of
97 section 561.42, Florida Statutes, are amended to read:

98 561.42 Tied house evil; financial aid and assistance to
99 vendor by manufacturer, distributor, importer, primary American
100 source of supply, brand owner or registrant, or any broker,
101 sales agent, or sales person thereof, prohibited; procedure for
102 enforcement; exception.-

103 (14) The division shall adopt reasonable rules governing
104 promotional displays and advertising. Such rules may not
105 conflict with or be more stringent than the federal regulations
106 pertaining to such promotional displays and advertising
107 furnished to vendors by distributors, manufacturers, importers,
108 primary American sources of supply, or brand owners or
109 registrants, or any sales agent or sales person thereof;
110 however:

111 (b) Without limitation in total dollar value of such items
112 provided to a vendor, a manufacturer, distributor, importer,
113 brand owner, or brand registrant of malt beverage, or any sales
114 agent or sales person thereof, may ~~rent, loan without charge for~~
115 ~~an indefinite duration, or~~ sell durable retailer advertising
116 specialties such as clocks, pool table lights, and the like,

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117 which bear advertising matter; however, such items may be sold
118 only at price not less than the actual cost to the industry
119 member who initially purchased the items.

120 (f) A distributor of malt beverages may sell to a vendor
121 draft equipment and tapping accessories at a price not less than
122 the cost to the industry member who initially purchased them,
123 ~~except there is no required charge,~~ and the distributor may
124 exchange any parts that are not compatible with a competitor's
125 system and are necessary to dispense the distributor's brands. A
126 distributor of malt beverages may furnish to a vendor at no
127 charge replacement parts of nominal intrinsic value, including,
128 but not limited to, washers, gaskets, tail pieces, hoses, hose
129 connections, clamps, plungers, and tap markers.

130 Section 4. Subsection (1) of section 561.57, Florida
131 Statutes, is amended to read:

132 561.57 Deliveries by licensees.—

133 (1) Vendors shall be permitted to make deliveries away from
134 their places of business of sales actually made at the licensed
135 place of business; provided, telephone, electronic, or mail
136 orders received at a vendor's licensed place of business shall
137 be construed as a sale actually made at the vendor's licensed
138 place of business. Deliveries made by a vendor away from his or
139 her place of business may be made in vehicles that are owned or
140 leased by the vendor or in a third-party vehicle pursuant to a
141 contract with a third party with whom the vendor has contracted
142 to make deliveries, including, but not limited to, common
143 carriers. By acceptance of an alcoholic beverage license, the
144 vendor agrees that vehicles that are owned or leased by the
145 vendor shall always be subject to inspection and search without

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146 a search warrant for the purpose of ascertaining that all
147 provisions of the alcoholic beverage laws are complied with by
148 authorized employees of the division and also by sheriffs,
149 deputy sheriffs, and police officers during business hours or
150 other times the vehicle is being used to transport or deliver
151 alcoholic beverages. ~~A manufacturer possessing a vendor's~~
152 ~~license under s. 561.221(2) is not permitted to make deliveries~~
153 ~~under this subsection.~~

154 Section 5. Paragraph (d) of subsection (14) of section
155 563.022, Florida Statutes, is amended to read:

156 563.022 Relations between beer distributors and
157 manufacturers.—

158 (14) MANUFACTURER; PROHIBITED INTERESTS.—

159 (d) Nothing in the Beverage Law shall be construed to
160 prohibit a manufacturer from shipping products to or between its
161 breweries without a distributor's license or between its
162 breweries and the licensed premises of a vendor pursuant to s.
163 561.221(2), or from shipping products that the manufacturer
164 owns, without a distributor's license.

165 Section 6. Section 561.37, Florida Statutes, is repealed.

166 Section 7. This act shall take effect July 1, 2021.