



774312

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2021	.	
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The Committee on Regulated Industries (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (12) of section 565.02,
Florida Statutes, is redesignated as subsection (13), and a new
subsection (12) is added to that section, to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(12) (a) As used in this subsection, the term "destination
entertainment venue" means a venue that:



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11 1. Is located in a designated community redevelopment area
12 authorized under an adopted community redevelopment plan to
13 support urban redevelopment and economic development;

14 2. Is owned by any person licensed as a craft distillery
15 located within the destination entertainment venue;

16 3. Is adjacent to and served by multimodal transportation
17 options, including, at a minimum, bicycle and pedestrian trails
18 included on an adopted city or county trails map and mass
19 transit routes established by a city, county, or regional
20 transportation authority; and

21 4. Is located within a contiguous area of at least 15
22 acres, including associated parking and stormwater requirements
23 as required by local law, regulation, or ordinance, and that
24 contains:

25 a. At least one indoor event venue with a minimum capacity
26 of 150 people which is fully serviced by a connected onsite
27 kitchen;

28 b. At least one outdoor event venue with a minimum capacity
29 of 1,000 people which has regularly occurring live entertainment
30 on a stage that is at least 12 feet deep and 16 feet wide; and

31 c. One or more licensed craft distilleries sharing
32 identical ownership.

33 (b) Notwithstanding any other provisions of the Beverage
34 Law, upon the payment of the appropriate fees, a craft
35 distillery licensed in this state may be licensed as a vendor
36 only for consumption on the premises of alcoholic beverages
37 manufactured by other manufacturers and acquired through a
38 distributor. The issuance of a license under this paragraph is
39 not subject to any quota or limitation, except that the craft



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40 distillery must be:

41 1. Located on property within a destination entertainment
42 venue; and

43 2. In operation and open for tours during normal business
44 hours at least 5 days a week.

45 (c) The vendor license may be issued only for the premises
46 included on the licensed premises sketch on file with the
47 division under s. 565.03 for the craft distillery, including its
48 souvenir gift shop or tasting room.

49 (d) No more than three craft distilleries may be licensed
50 as a vendor in a community redevelopment area under this
51 subsection. Craft distilleries licensed as a vendor under this
52 subsection must be located within the same destination
53 entertainment venue and must share identical ownership, and each
54 craft distillery must distill, blend, or rectify at least 50,000
55 gallons of branded products per calendar year.

56 (e) Except as otherwise provided in this paragraph, a craft
57 distillery licensed as a vendor under this subsection shall be
58 treated as a vendor and is subject to all provisions relating to
59 such vendors licensed to sell alcoholic beverages for
60 consumption on premises. A craft distillery licensed as a vendor
61 may not make package sales for off-premises consumption or make
62 any delivery or shipment of alcoholic beverages away from the
63 destination entertainment venue or the craft distillery, unless
64 such shipment or delivery is authorized for a craft distillery
65 under s. 565.03.

66 (f) Alcoholic beverages manufactured by another licensed
67 manufacturer, including branded products manufactured at another
68 craft distillery location sharing identical ownership, must be



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69 obtained through a licensed distributor.

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

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

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

77 (a) "Branded product" means any distilled spirits product
78 that:

79 1. Is owned by a craft distillery;

80 2. Contains distilled spirits that are manufactured by
81 distilling, rectifying, or blending by the craft distillery on
82 its licensed premises; and

83 3. Has manufactured on site, which requires a federal
84 certificate and label approval by the Federal Government Alcohol
85 Administration Act or federal regulations.

86 (b) "Craft distillery" means a licensed distillery in this
87 state which distills, rectifies, or blends 250,000 that produces
88 75,000 or fewer gallons or less of distilled spirits per
89 calendar year of distilled spirits on its premises and has
90 notified the division in writing of its decision to qualify as a
91 craft distillery.

92 (2) (a) A distillery may not operate as a craft distillery
93 until the distillery has provided to the division written
94 notification that it meets the criteria specified in paragraph
95 (1) (b). Upon the division's receipt of the notification and its
96 verification that the distillery meets all such criteria, the
97 division shall add the designation of craft distiller on the



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98 distillery's license.

99 (b) A person may not share common ownership in more than 10
100 craft distilleries, provided that no more than:

101 1. Four of the distilleries each distill, rectify, or blend
102 250,000 gallons or less of distilled spirits per calendar year;
103 and

104 2. Six of the distilleries each distill, rectify, or blend
105 50,000 gallons or less of distilled spirits per calendar year.

106
107 As used in this paragraph, the term "common ownership" means
108 having a direct or indirect financial interest in two or more
109 distilleries by the same person.

110 (c) Effective July 1, 2026, a minimum of 60 percent of a
111 craft distillery's total finished branded products must be
112 distilled in this state and contain one or more Florida
113 agricultural products.

114 (d) A distillery or a craft distillery authorized to do
115 business under the Beverage Law shall pay an annual state
116 license tax for each plant or branch operating in the state, as
117 follows:

118 1. A distillery engaged in the business of manufacturing
119 distilled spirits: \$4,000.

120 2. A craft distillery engaged in the business of
121 manufacturing distilled spirits: \$1,000.

122 3. A person engaged in the business of rectifying and
123 blending spirituous liquors and nothing else: \$4,000.

124 (e) ~~(b)~~ A licensed distillery or licensed craft distillery
125 may ~~Persons licensed under this section who are in the business~~
126 ~~of distilling spirituous liquors may also engage in the business~~



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127 of rectifying or ~~and~~ blending spirituous liquors without the
128 payment of an additional license tax.

129 ~~(f)(e)~~ A craft distillery ~~licensed under this section~~ may
130 sell directly to consumers up to 75,000 gallons per calendar
131 year of, ~~at its souvenir gift shop,~~ branded products that are
132 manufactured by the craft distillery ~~distilled~~ on its premises.
133 A craft distillery may sell branded products directly to
134 consumers by the drink for consumption on the premises or by the
135 package in factory-sealed containers for consumption off the
136 premises in this state in factory-sealed containers that are
137 filled at the distillery for off-premises consumption. Such
138 sales are authorized only in the craft distillery's souvenir
139 gift shop or tasting room located on private property contiguous
140 to the licensed ~~distillery~~ premises. Branded products sold to
141 consumers must have been distilled, rectified, or blended on the
142 distillery premises that is located contiguous to the craft
143 distillery's souvenir gift shop or tasting room. The souvenir
144 gift shop or tasting room must be in this state and included on
145 the sketch or diagram defining the licensed premises submitted
146 with the distillery's license application. All sketch or diagram
147 revisions by the distillery shall require the division's
148 approval verifying that the locations of the souvenir gift shops
149 and tasting rooms ~~shop location~~ operated by the licensed
150 distillery are ~~is~~ owned or leased by the distillery and on
151 property contiguous to the distillery's production building in
152 this state.

153 1. Except as authorized under s. 565.17(2), a craft
154 distillery may not sell any factory-sealed individual containers
155 of spirits to consumers except in face-to-face sales



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156 transactions with such consumers at the craft distillery's
157 licensed premises. Such branded products must be in compliance
158 with the container limits under s. 565.10 and be intended for
159 personal consumption rather than for resale ~~who are making a~~
160 ~~purchase of no more than six individual containers of each~~
161 ~~branded product.~~

162 ~~2. Each container sold in face to face transactions with~~
163 ~~consumers must comply with the container limits in s. 565.10,~~
164 ~~per calendar year for the consumer's personal use and not for~~
165 ~~resale and who are present at the distillery's licensed premises~~
166 ~~in this state.~~

167 ~~3.~~ A craft distillery must report to the division within 5
168 days after it exceeds ~~reaches~~ the production limits or is no
169 longer operating under the requirements or limitations provided
170 in paragraph (1)(b). Any retail sales of branded products by the
171 drink or by the package to consumers at the craft distillery's
172 licensed premises are prohibited beginning the day after it
173 exceeds ~~reaches~~ the production limitation.

174 ~~3.4.~~ A craft distillery may not ship or arrange to ship any
175 of its branded products or any other alcoholic beverages
176 ~~distilled spirits~~ to consumers and may sell and deliver only to
177 consumers within the state in a face-to-face transaction at the
178 distillery property. However, a craft distillery ~~distiller~~
179 licensed under this section may ship, arrange to ship, or
180 deliver such spirits to any manufacturers of distilled spirits,
181 wholesale distributors of distilled spirits, state or federal
182 bonded warehouses, or ~~and~~ exporters.

183 ~~4.5.~~ Except as provided in subparagraph 5. ~~subparagraph 6.,~~
184 it is unlawful to transfer a craft distillery license ~~for a~~



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185 ~~distillery that produces 75,000 or fewer gallons per calendar~~
186 ~~year of distilled spirits on its premises~~ or any ownership
187 interest in such license to an individual or entity that has a
188 direct or indirect ownership interest in any distillery that
189 distills, rectifies, or blends 250,000 gallons or more per
190 calendar year of distilled spirits under any license issued
191 ~~licensed~~ in this state; in another state, territory, or country;
192 or by the United States Government to distill ~~manufacture,~~
193 ~~blend, or rectify~~ distilled spirits for beverage purposes.

194 ~~5.6. Except as provided in paragraph (b),~~ a craft
195 distillery may ~~shall~~ not have its ownership affiliated with
196 another distillery, unless such distillery is owned by an
197 individual or entity that distills, rectifies, or blends 250,000
198 gallons or less per calendar year of distilled spirits ~~produces~~
199 ~~75,000 or fewer gallons per calendar year of distilled spirits~~
200 on each of its premises in this state or in another state,
201 territory, or country.

202 6. A craft distillery may transfer up to 75,000 gallons per
203 calendar year of its branded products that it distills,
204 rectifies, or blends from its federal bonded space, nonbonded
205 space at its licensed premises, or storage areas to its souvenir
206 gift shop and tasting room.

207 (5) A craft distillery making sales under paragraph (2) (f)
208 ~~paragraph (2) (e)~~ is responsible for submitting any excise taxes
209 due to the state on distilled spirits ~~on beverages~~ under the
210 Beverage Law with ~~in~~ its monthly report to the division ~~with any~~
211 ~~tax payments due to the state.~~

212 Section 3. Section 565.17, Florida Statutes, is amended to
213 read:



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214 565.17 Beverage tastings by distributors, craft
215 distilleries, and vendors.—

216 (1) A licensed distributor of spirituous beverages, a craft
217 distillery as defined in s. 565.03, or any vendor, is authorized
218 to conduct spirituous beverage tastings upon any licensed
219 premises authorized to sell spirituous beverages by package or
220 for consumption on premises without being in violation of s.
221 561.42, provided that the conduct of the spirituous beverage
222 tasting shall be limited to and directed toward the general
223 public of the age of legal consumption.

224 (2) Craft distilleries may conduct tastings and sales of
225 distilled spirits produced by the craft distilleries at Florida
226 fairs, trade shows, farmers markets, expositions, and festivals.
227 The division shall issue permits to craft distilleries for such
228 tastings and sales. A craft distillery must pay all entry fees
229 and must have a distillery representative present during the
230 event. The permit is limited to the duration and physical
231 location of the event.

232 Section 4. This act shall take effect July 1, 2021.

233
234 ===== T I T L E A M E N D M E N T =====

235 And the title is amended as follows:

236 Delete everything before the enacting clause
237 and insert:

238 A bill to be entitled
239 An act relating to the craft distilleries; amending s.
240 565.02, F.S.; defining the term "destination
241 entertainment venue"; authorizing craft distilleries
242 to be licensed as specified vendors under certain



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243 circumstances; providing requirements for such
244 licenses; providing requirements for craft
245 distilleries for such licenses; prohibiting a licensee
246 from taking certain actions; requiring certain
247 alcoholic beverages to be obtained through a licensed
248 distributor; amending s. 565.03, F.S.; redefining the
249 terms "branded product" and "craft distillery";
250 prohibiting a distillery from operating as a craft
251 distillery until certain requirements are met;
252 authorizing persons to have common ownership in craft
253 distilleries under certain circumstances; defining the
254 term "common ownership"; requiring a minimum
255 percentage of a craft distillery's total finished
256 branded products to be distilled in this state and
257 contain one or more Florida agricultural products
258 after a specified date; revising the requirements and
259 prohibitions on the sale of branded products to
260 consumers by a licensed craft distillery; revising the
261 circumstances for which a craft distillery must report
262 certain information about the production of distilled
263 spirits to the Division of Alcoholic Beverages and
264 Tobacco of the Department of Business and Professional
265 Regulation; revising prohibitions on the shipment of
266 certain products by a craft distillery; revising
267 prohibitions on the transfer of a craft distillery
268 license or ownership interest in such license;
269 revising prohibitions relating to affiliated ownership
270 of craft distilleries; authorizing a craft distillery
271 to transfer specified distilled spirits from certain



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272 locations to its souvenir gift shop and tasting room;
273 making technical changes; amending s. 565.17, F.S.;
274 authorizing craft distilleries to conduct spirituous
275 beverage tastings under certain circumstances;
276 requiring the division to issue permits to craft
277 distilleries to conduct tastings and sales at certain
278 locations; specifying requirements for distilleries
279 for such permits; providing an effective date.