

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Regulatory Reform  
2 Subcommittee

3 Representative DiCeglie offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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8 Section 1. Subsection (22) is added to section 561.01,  
9 Florida Statutes, to read:

10 561.01 Definitions.—As used in the Beverage Law:

11 (22) "Barrel" means a quantity of 31 gallons.

12 Section 2. Paragraph (a) of subsection (3) of section  
13 561.221, Florida Statutes, is amended to read:

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

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17 (3) (a) Notwithstanding other provisions of the Beverage  
18 Law, any vendor licensed in this state may be licensed as a  
19 manufacturer of malt beverages upon a finding by the division  
20 that:

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

25 2. The malt beverages so brewed will be sold to consumers  
26 for consumption on the vendor's licensed premises or on  
27 contiguous licensed premises owned by the vendor.

28 Section 3. Section 563.042, Florida Statutes, is created  
29 to read:

30 563.042 Contract and Alternating Proprietorship Brewing.-

31 (1) As used in this section the term:

32 (a) "Alternating proprietorship brewing" means an  
33 agreement between a guest brewer and host brewer wherein the  
34 guest brewer manufactures malt beverages on the host brewer's  
35 licensed premises.

36 (b) "Contract brewer" means a licensed manufacturer of  
37 malt beverages who brews malt beverages on its licensed premises  
38 for a contracting brewer.

39 (c) "Contract brewing" means an agreement wherein a  
40 contracting brewer pays a contract brewer to produce malt  
41 beverages.

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42 (d) "Contracting brewer" means a licensed manufacturer of  
43 malt beverages who contracts for the services of a contract  
44 brewer.

45 (e) "Guest brewer" means a licensed manufacturer of malt  
46 beverages who brews malt beverages at a host brewer's licensed  
47 premises.

48 (f) "Host brewer" means a licensed manufacturer of malt  
49 beverages who allows a guest brewer to brew malt beverages on  
50 the manufacturer's licensed premises.

51 (2) The contract brewer:

52 (a) May enter into multiple contract brewing agreements  
53 for the purpose of manufacturing malt beverages.

54 (b) Shall comply with all applicable federal and state  
55 laws, including labeling laws.

56 (c) Shall pay all federal and state taxes on malt  
57 beverages manufactured pursuant to this section upon removal of  
58 the malt beverages from its licensed premises.

59 (d) Retains title to malt beverages produced under a  
60 contract brewing agreement until such beverages are removed from  
61 its licensed premises.

62 (e) Shall ensure that the contracting brewer's malt  
63 beverages remain separate and identifiable from all other malt  
64 beverages at all times.

65 (f) Notwithstanding any other provision of the Beverage  
66 Law, may transfer malt beverages to the contracting brewer in an

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67 amount up to the yearly production amount of the contracting  
68 brewer's facility.

69 (g) Shall report to the division by the 10th day of each  
70 month the volume of each label of malt beverages manufactured on  
71 its licensed premises under the contract brewing agreement.

72 (3) The contracting brewer:

73 (a) May only engage in the manufacture of malt beverages  
74 on its duly licensed premises and on the licensed premises of a  
75 contract brewer disclosed under paragraph (4) (a).

76 (b) Shall report to the division by the 10th day of each  
77 month the volume of each label of malt beverages manufactured on  
78 the licensed premises of the contract brewer under the contract  
79 brewing agreement.

80 (4) The contract brewer and contracting brewer:

81 (a) Must, before engaging in contract brewing, notify the  
82 division, on forms provided by the division, of their intent to  
83 operate as a contract brewer or contracting brewer and disclose  
84 the location of the licensed premises where brewing will occur.

85 (b) Shall maintain all records required to be kept by  
86 manufacturers of malt beverages under the Beverage Law.

87 (c) Notwithstanding any other provision of the Beverage  
88 Law, shall comply with s. 561.221(2)(c).

89 (5) The host brewer shall report to the division by the  
90 10th day of each month the volume of each label of malt

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91 beverages manufactured on its licensed premises under the  
92 alternating proprietorship brewing agreement.

93 (6) The guest brewer:

94 (a) Shall comply with all applicable federal and state  
95 laws, including labeling laws.

96 (b) Shall pay all federal and state taxes on malt  
97 beverages manufactured pursuant to this section upon removal of  
98 the malt beverages from the host brewer's licensed premises.

99 (c) Retains title to malt beverages manufactured under an  
100 alternating proprietorship brewing agreement.

101 (d) Shall report to the division by the 10th day of each  
102 month the volume of each label of malt beverages manufactured at  
103 each licensed premises under each alternating proprietorship  
104 brewing agreement.

105 (7) Before engaging in alternating proprietorship brewing,  
106 the host brewer and guest brewer:

107 (a) Must each qualify as a brewer with the Alcohol and  
108 Tobacco Tax and Trade Bureau under the U.S. Department of the  
109 Treasury.

110 (b) Shall submit to the division, on forms provided by the  
111 division, information identifying:

112 1. The host brewer.

113 2. The guest brewer.

114 3. The location where the alternating proprietorship  
115 brewing will take place.

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116 4. The location where any product brewed pursuant to the  
117 alternating proprietorship brewing agreement will be stored.

118 5. The amount of malt beverages to be produced under the  
119 alternating proprietorship brewing agreement.

120 6. The timeframe in which the guest brewer will be  
121 manufacturing malt beverages on the host brewer's licensed  
122 premises.

123 7. Proof of occupancy rights to the host brewer's licensed  
124 premises for the duration of the alternating proprietorship  
125 brewing agreement.

126 8. Any other information reasonably deemed necessary by  
127 the division to ensure the health, safety, and welfare of the  
128 public or to ensure that all applicable taxes on the malt  
129 beverages produced pursuant to an alternating proprietorship  
130 brewing agreement are remitted to the state.

131 (8) Each entity engaged in the activities described in  
132 this section shall maintain records including:

133 (a) Any agreement authorizing the manufacturing and  
134 transfer of malt beverages.

135 (b) Records of the total volume, in gallons, manufactured  
136 as part of the agreement.

137 (c) Any other records required by the Division to ensure  
138 compliance with the provisions of the Beverage Law.

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139           (9) Manufacturers or vendors licensed pursuant to the s.  
140 561.221(3) (a) may not engage in contract brewing or alternating  
141 proprietorship brewing.

142           Section 4. Subsection (2) of section 563.045, Florida  
143 Statutes, is amended to read:

144           563.045 Brands or labels to be registered; qualification  
145 to do business; fee; revocation.—

146           (2) ~~The each registrant shall pay an~~ annual registration  
147 ~~fee for a brand or label sold to a distributor is of \$30 for a~~  
148 ~~brand or label.~~ No other annual registration fee for a brand or  
149 label is authorized under this section. Any registration may be  
150 suspended or revoked in the same manner as a beverage license  
151 for any violation of the Beverage Law.

152           Section 5. Subsection (2) of section 563.02, Florida  
153 Statutes, is amended to read:

154           563.02 License fees; vendors; manufacturers and  
155 distributors.—

156           (2) Each manufacturer engaged in the business of brewing  
157 only malt beverages shall pay an annual state license tax of  
158 \$3,000 for each plant or branch he or she may operate. However,  
159 each manufacturer engaged in the business of brewing less than  
160 5,000 barrels ~~10,000 kegs~~ of malt beverages annually for  
161 consumption on the premises pursuant to s. 561.221(3) shall pay  
162 an annual state license tax of \$500 for each plant or branch.

163           Section 8. This act shall take effect July 1, 2022.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to malt beverages; amending s. 561.01, F.S.;  
defining the term "barrel"; amending s. 561.221, F.S.; revising  
the unit of measurement used for certain licensing purposes;  
creating s. 563.042, F.S.; providing definitions; authorizing  
certain manufacturers to enter into contract brewing and  
alternating proprietorship brewing agreements; providing  
responsibilities and requirements of parties under such  
agreements; prohibiting specified parties from participating in  
such agreements; authorizing the Division of Alcoholic Beverages  
and Tobacco to adopt rules; amending s. 563.045, F.S.; providing  
that the annual registration fee is required only if labels or  
brands are sold to a distributor; specifying that no other  
registration fee is authorized; amending s. 563.02, F.S.;  
revising the unit of measurement used for certain fee purposes;  
providing an effective date.