

By Senator Brandes

24-01126-22

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1 A bill to be entitled
2 An act relating to the sale, transport, and delivery
3 of malt beverages; amending s. 561.221, F.S.;
4 exempting certain vendors from specified delivery
5 restrictions under certain circumstances; providing
6 applicability; authorizing vendors licensed as
7 manufacturers under ch. 561, F.S., to transfer malt
8 beverages to certain restaurants with common ownership
9 affiliations; amending s. 561.5101, F.S.; revising
10 applicability; amending s. 561.57, F.S.; providing
11 that certain manufacturers may transport malt
12 beverages in vehicles owned or leased by the
13 manufacturers or certain persons other than the
14 manufacturers; amending s. 563.022, F.S.; conforming a
15 provision to changes made by the act; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Paragraph (d) of subsection (2) and paragraph
21 (a) of subsection (3) of section 561.221, Florida Statutes, are
22 amended, paragraph (f) is added to subsection (2), and
23 subsection (4) is added to that section, to read:

24 561.221 Licensing of manufacturers and distributors as
25 vendors and of vendors as manufacturers; conditions and
26 limitations.—

27 (2)

28 (d) A manufacturer possessing a vendor's license under this
29 subsection is not permitted to make deliveries under s.

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30 561.57(1), except as provided in paragraph (f).

31 (f) Notwithstanding any other provision of the Beverage
32 Law, a manufacturer possessing a vendor's license under this
33 subsection may sell, transport, and deliver to vendors, from the
34 manufacturer's licensed premises, malt beverages that have been
35 manufactured on its licensed premises if the manufacturer
36 complies with the requirements in ss. 561.42 and 561.423, as
37 applicable, to the same extent as if the manufacturer were a
38 distributor.

39 1. The authority provided in this paragraph is limited to
40 the sale, transport, and delivery of kegs or similar containers
41 that hold 5.16 gallons, 7.75 gallons, or 15.5 gallons.

42 2. Any delivery under this paragraph is subject to s.
43 561.57(2) related to deliveries by licensees.

44 3. This paragraph does not apply to a manufacturer who:

45 a. Has a franchise agreement with a distributor pursuant to
46 s. 563.022; or

47 b. Has a total production volume of more than 7,000 kegs of
48 malt beverages a year.

49 (3) (a) Notwithstanding other provisions of the Beverage
50 Law, any vendor licensed in this state may be licensed as a
51 manufacturer of malt beverages upon a finding by the division
52 that:

53 1. The vendor will be engaged in brewing malt beverages at
54 a single location and in an amount which will not exceed 10,000
55 kegs per year. For purposes of this section ~~subsection~~, the term
56 "keg" means 15.5 gallons.

57 2. The malt beverages so brewed will be sold to consumers
58 for consumption on the vendor's licensed premises or on

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59 contiguous licensed premises owned by the vendor.

60 (4) Notwithstanding any other provision of the Beverage
61 Law, any vendor licensed as a manufacturer under this section
62 may transfer malt beverages to any restaurant with which it has
63 common ownership affiliations, which restaurant is part of a
64 restaurant group that comprises not more than 15 restaurants.

65 Section 2. Subsection (1) of section 561.5101, Florida
66 Statutes, is amended to read:

67 561.5101 Come-to-rest requirement; exceptions; penalties.—

68 (1) For purposes of inspection and tax-revenue control, all
69 malt beverages, except those manufactured and sold by the same
70 licensee, pursuant to s. 561.221(2) or (3), must come to rest at
71 the licensed premises of an alcoholic beverage wholesaler in
72 this state before being sold to a vendor by the wholesaler. The
73 prohibition contained in this subsection does not apply to the
74 shipment of malt beverages commonly known as private labels. The
75 prohibition contained in this subsection shall not prevent a
76 manufacturer from shipping malt beverages for storage at a
77 bonded warehouse facility, provided that such malt beverages are
78 distributed as provided in this subsection or to an out-of-state
79 entity. The prohibition contained in this subsection does not
80 apply to a manufacturer delivering malt beverages to a licensed
81 vendor as provided in s. 561.221(2)(f).

82 Section 3. Subsection (2) of section 561.57, Florida
83 Statutes, is amended to read:

84 561.57 Deliveries by licensees.—

85 (2) Deliveries made by a manufacturer or distributor away
86 from his or her place of business may be made only in vehicles
87 that are owned or leased by the licensee. However, a

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88 manufacturer authorized to make deliveries under s.
89 561.221(2) (f) to the licensed premises of a vendor may transport
90 malt beverages if the vehicle used to transport the alcoholic
91 beverages is owned or leased by the manufacturer or any person
92 who has been disclosed on a license application filed by the
93 manufacturer and approved by the division. By acceptance of an
94 alcoholic beverage license and the use of such vehicles, the
95 licensee agrees that such vehicle shall always be subject to be
96 inspected and searched without a search warrant, for the purpose
97 of ascertaining that all provisions of the alcoholic beverage
98 laws are complied with, by authorized employees of the division
99 and also by sheriffs, deputy sheriffs, and police officers
100 during business hours or other times the vehicle is being used
101 to transport or deliver alcoholic beverages.

102 Section 4. Paragraph (d) of subsection (14) of section
103 563.022, Florida Statutes, is amended to read:

104 563.022 Relations between beer distributors and
105 manufacturers.—

106 (14) MANUFACTURER; PROHIBITED INTERESTS.—

107 (d) Nothing in the Beverage Law shall be construed to
108 prohibit a manufacturer from shipping products to or between its
109 breweries, or between its breweries and the licensed premises of
110 a vendor as provided in s. 561.221(2) (f), without a
111 distributor's license.

112 Section 5. This act shall take effect July 1, 2022.