

By Senator DiCeglie

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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.; revising and providing definitions;
4 amending s. 561.221, F.S.; authorizing manufacturers
5 of malt beverages to transfer malt beverages to
6 another manufacturer for brewing under certain
7 conditions; specifying conditions under which licensed
8 craft breweries may conduct tastings and sell malt
9 beverages; deleting the definition of the term "keg";
10 revising a provision to limit the number of barrels,
11 rather than kegs, of malt beverages certain vendors
12 may brew annually; amending s. 561.37, F.S.; revising
13 surety bond requirements for payment of taxes;
14 removing provisions requiring surety bond payments for
15 manufacturers; amending ss. 212.08, 561.20, 561.4205,
16 and 562.14, F.S.; conforming cross-references;
17 amending s. 563.02, F.S.; revising a provision to
18 limit the number of barrels, rather than kegs, of malt
19 beverages certain manufacturers may brew annually;
20 creating s. 563.042, F.S.; providing definitions;
21 authorizing contract brewers to transfer malt
22 beverages to contracting brewers and to contract with
23 other contracting brewers if certain conditions are
24 met; providing requirements for contract brewing and
25 alternating proprietorship brewing; prohibiting
26 certain manufacturers and vendors from engaging in
27 contract brewing or alternating proprietorship
28 brewing; authorizing rulemaking; amending s. 563.045,
29 F.S.; specifying instances in which certain

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30 manufacturers, brewers, bottlers, distributors, and
31 importers of malt beverages must register their names
32 and brands or labels that will be sold to a
33 distributor; providing an exception; amending ss.
34 768.36, 817.36, 856.015, and 1006.09, F.S.; conforming
35 cross-references; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Section 561.01, Florida Statutes, is amended to
40 read:

41 561.01 Definitions.—As used in the Beverage Law:

42 (1)~~(13)~~ "Airport terminal" means the airport passenger
43 handling facilities or premises publicly owned or leased by a
44 county, municipality, or public authority at airports which have
45 been designated in the United States National Airport System
46 Plan, 49 U.S.C. s. 1711, as air carrier airports, commuter
47 airports, and reliever airports.

48 (2) (a)~~(4) (a)~~ "Alcoholic beverages" means distilled spirits
49 and all beverages containing one-half of 1 percent or more
50 alcohol by volume.

51 (b) The percentage of alcohol by volume shall be determined
52 by measuring the volume of the standard ethyl alcohol in the
53 beverage and comparing it with the volume of the remainder of
54 the ingredients as though said remainder ingredients were
55 distilled water.

56 (3) "Barrel" means 31 gallons.

57 (4)~~(6)~~ "The Beverage Law" means this chapter and chapters
58 562, 563, 564, 565, 567, and 568.

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59 (5)~~(15)~~ "Bottle club" means a commercial establishment,
60 operated for a profit, whether or not a profit is actually made,
61 wherein patrons consume alcoholic beverages which are brought
62 onto the premises and not sold or supplied to the patrons by the
63 establishment, whether the patrons bring in and maintain custody
64 of their own alcoholic beverages or surrender custody to the
65 establishment for dispensing on the premises, and which is
66 located in a building or other enclosed permanent structure.
67 This term definition does not apply to sporting facilities where
68 events sanctioned by nationally recognized regulatory athletic
69 or sports associations are held, bona fide restaurants licensed
70 by the Division of Hotels and Restaurants of the Department of
71 Business and Professional Regulation whose primary business is
72 the service of full course meals, or hotels and motels licensed
73 by the Division of Hotels and Restaurants of the Department of
74 Business and Professional Regulation.

75 (6)~~(19)~~ "Common carrier" means any person, firm, or
76 corporation that undertakes for hire, as a regular business, the
77 transportation of persons or commodities from place to place,
78 offering its services to all who choose to employ it and pay its
79 charges.

80 (7)~~(2)~~ "Department" means the Department of Business and
81 Professional Regulation.

82 (8)~~(10)~~ "Discount in the usual course of business" means a
83 cash or spirituous or vinous beverage merchandise discount given
84 pursuant to an agreement made at the time of sale. However, such
85 agreement may ~~shall~~ not result in an accrued, accumulated, or
86 retroactive discount. The same discounts shall be offered to all
87 vendors of the same license series or type buying similar

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88 quantities. Any discount which is in violation of this section
89 shall be considered an arrangement for financial assistance by
90 gift.

91 (9)~~(1)~~ "Division" means the Division of Alcoholic Beverages
92 and Tobacco of the Department of Business and Professional
93 Regulation.

94 (10)~~(18)~~ "Entertainment/resort complex" means a theme park
95 comprised of at least 25 acres of land with permanent
96 exhibitions and a variety of recreational activities, which has
97 at least 1 million visitors annually who pay admission fees
98 thereto, together with any lodging, dining, and recreational
99 facilities located adjacent to, contiguous to, or in close
100 proximity to the theme park, as long as the
101 owner(s)/operators(s) of the theme park, or a parent or related
102 company or subsidiary thereof, has an equity interest in the
103 lodging, dining, or recreational facilities or is in privity
104 therewith. Close proximity shall include an area within a 5-mile
105 radius of the theme park complex.

106 (11)~~(16)~~ "Exporter" means any person that sells alcoholic
107 beverages to persons for use outside the state and includes a
108 ship's chandler and a duty-free shop.

109 (12)~~(20)~~ ~~For purposes of license qualification pursuant to~~
110 ~~s. 561.20(2)(a)1. the term~~ "Historic structure" means a
111 structure that is listed on the National Register of Historic
112 Places pursuant to the National Historic Preservation Act of
113 1966, or is within and contributes to a registered historic
114 district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has been found
115 to meet the criteria of historical significance of the Division
116 of Historical Resources of the Department of State, as certified

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117 by that division or by a locally established historic
118 preservation board or commission, or like body, which has been
119 granted authority to designate historically significant
120 properties by the jurisdiction within which the hotel or motel
121 is located.

122 (13)~~(5)~~ "Intoxicating beverage" and "intoxicating liquor"
123 mean only those alcoholic beverages containing more than 4.007
124 percent of alcohol by volume.

125 (14)~~(11)~~ "Licensed premises" means not only rooms where
126 alcoholic beverages are stored or sold by the licensee, but also
127 all other rooms in the building which are so closely connected
128 therewith as to admit of free passage from drink parlor to other
129 rooms over which the licensee has some dominion or control and
130 shall also include all of the area embraced within the sketch,
131 appearing on or attached to the application for the license
132 involved and designated as such on said sketch, in addition to
133 that included or designated by general law. The area embraced
134 within the sketch may include a sidewalk or other outside area
135 which is contiguous to the licensed premises. When the sketch
136 includes a sidewalk or other outside area, written approval from
137 the county or municipality attesting to compliance with local
138 ordinances must be submitted to the division to authorize
139 inclusion of sidewalks and outside areas in licensed premises.
140 The division may approve applications for temporary expansion of
141 the licensed premises to include a sidewalk or other outside
142 area for special events upon the payment of a \$100 application
143 fee, stipulation of the timeframe for the special event, and
144 submission of a sketch outlining the expanded premises and
145 accompanied by written approval from the county or municipality

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146 as required in this subsection. All moneys collected from the
147 fees assessed under this subsection shall be deposited into the
148 Alcoholic Beverage and Tobacco Trust Fund.

149 (15)~~(14)~~ "Licensee" means a legal or business entity or,
150 person,~~or persons~~ that holds ~~hold~~ a license issued by the
151 division and meets ~~meet~~ the qualifications set forth in s.
152 561.15.

153 (16)~~(7)~~ "Manufacturer" means all persons who make alcoholic
154 beverages except those who make beer or wine for personal or
155 family consumption pursuant to s. 562.165.

156 (17) "Performing arts center" means a facility consisting
157 of not less than 200 seats, owned and operated by a not-for-
158 profit corporation qualified as an exempt organization under ~~the~~
159 ~~provisions of~~ s. 501(c)(3) of the Internal Revenue Code of 1986
160 or ~~of~~ the corresponding section of a subsequently enacted
161 federal revenue act, which is used and occupied to promote
162 development of any or all of the performing, visual, or fine
163 arts or any or all matters relating thereto and to encourage and
164 cultivate public and professional knowledge and appreciation of
165 the arts through:

166 (a) The preparation, production, public presentation, or
167 public exhibition of dramatic or musical works, dance, opera,
168 motion pictures, television, music, recordings, or works of
169 fine, performing, or visual arts of any nature;

170 (b) The conducting of lectures, seminars, classes, or
171 workshops for development of skills or techniques related to the
172 practice or appreciation of any or all of these arts;

173 (c) The broadcast or telecast of the performing or visual
174 arts through whatever means is desirable, including, but not

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175 limited to, television, radio, cable, or the latest state-of-
176 the-art media, equipment, or techniques;

177 (d) The reproduction of the performing, visual, or fine
178 arts through motion pictures, videotapes, video disks, delayed
179 presentations, sound recordings, or whatever in the future
180 becomes a viable means or state-of-the-art;

181 (e) The provision of banquet, concession, or other on-
182 premises food and alcoholic and nonalcoholic beverage
183 activities;

184 (f) The conduct of retail activities reasonably related to
185 the other uses of the facility;

186 (g) The conduct of fundraising activities reasonably
187 related to the arts;

188 (h) The provision of auxiliary services for performing or
189 visual artists, educators, students, or the public which are
190 necessary or desirable to promote or facilitate the foregoing
191 uses, including, but not limited to, the publication and
192 dissemination of any or all materials related to the foregoing;

193 (i) The conduct of rehearsals, conventions, meetings, or
194 commercial or other activities; or

195 (j) Such other activities for the promotion and development
196 of the arts not described in paragraphs (a)-(i) as the not-for-
197 profit corporation determines, provided that no such activity is
198 inconsistent with or otherwise violates any applicable statute,
199 ordinance, or regulation.

200 (18)~~(21)~~ "Railroad transit station" means a platform or a
201 terminal facility where passenger trains operating on a guided
202 rail system according to a fixed schedule between two or more
203 cities regularly stop to load and unload passengers or goods.

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204 The term includes a passenger waiting lounge and dining, retail,
205 entertainment, or recreational facilities within the licensed
206 premises owned or leased by the railroad operator or owner.

207 (19)~~(9)~~ "Sale" and "sell" mean any transfer of an alcoholic
208 beverage for a consideration, any gift of an alcoholic beverage
209 in connection with, or as a part of, a transfer of property
210 other than an alcoholic beverage for a consideration, or the
211 serving of an alcoholic beverage by a club licensed under the
212 Beverage Law.

213 (20)~~(12)~~ "Special airport license" means a vendor license
214 to sell certain alcoholic beverages only on those airport
215 premises which have been designated in the United States
216 National Airport System Plan, 49 U.S.C. s. 1711, as air carrier
217 airports, commuter airports, and reliever airports.

218 (21)~~(3)~~ "State bonded warehouse" means any licensed
219 warehouse used to store alcoholic beverages.

220 (22)~~(8)~~~~(a)~~ "Tax" means all taxes or payments required under
221 the Beverage Law.

222 (23)~~(b)~~ "There shall be paid" means "there is hereby levied
223 and imposed and shall be paid."

224 Section 2. Paragraph (b) of subsection (4) of section
225 212.08, Florida Statutes, is amended to read:

226 212.08 Sales, rental, use, consumption, distribution, and
227 storage tax; specified exemptions.—The sale at retail, the
228 rental, the use, the consumption, the distribution, and the
229 storage to be used or consumed in this state of the following
230 are hereby specifically exempt from the tax imposed by this
231 chapter.

232 (4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

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233 (b) Alcoholic beverages and malt beverages are not exempt.
234 The terms "alcoholic beverages" and "malt beverages" as used in
235 this paragraph have the same meanings as ascribed to them in ss.
236 561.01 ~~ss. 561.01(4)~~ and 563.01, respectively. It is determined
237 by the Legislature that the classification of alcoholic
238 beverages made in this paragraph for the purpose of extending
239 the tax imposed by this chapter is reasonable and just, and it
240 is intended that such tax be separate from, and in addition to,
241 any other tax imposed on alcoholic beverages.

242 Section 3. Paragraphs (a) and (f) of subsection (2) of
243 section 561.20, Florida Statutes, are amended to read:

244 561.20 Limitation upon number of licenses issued.—

245 (2) (a) The limitation of the number of licenses as provided
246 in this section does not prohibit the issuance of a special
247 license to:

248 1. Any bona fide hotel, motel, or motor court of not fewer
249 than 80 guest rooms in any county having a population of less
250 than 50,000 residents, and of not fewer than 100 guest rooms in
251 any county having a population of 50,000 residents or greater;
252 or any bona fide hotel or motel located in a historic structure,
253 as defined in s. 561.01 ~~s. 561.01(20)~~, with fewer than 100 guest
254 rooms which derives at least 51 percent of its gross revenue
255 from the rental of hotel or motel rooms, which is licensed as a
256 public lodging establishment by the Division of Hotels and
257 Restaurants; provided, however, that a bona fide hotel or motel
258 with no fewer than 10 and no more than 25 guest rooms which is a
259 historic structure, as defined in s. 561.01 ~~s. 561.01(20)~~, in a
260 municipality that on the effective date of this act has a
261 population, according to the University of Florida's Bureau of

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262 Economic and Business Research Estimates of Population for 1998,
263 of no fewer than 25,000 and no more than 35,000 residents and
264 that is within a constitutionally chartered county may be issued
265 a special license. This special license shall allow the sale and
266 consumption of alcoholic beverages only on the licensed premises
267 of the hotel or motel. In addition, the hotel or motel must
268 derive at least 60 percent of its gross revenue from the rental
269 of hotel or motel rooms and the sale of food and nonalcoholic
270 beverages; provided that this subparagraph shall supersede local
271 laws requiring a greater number of hotel rooms;

272 2. Any condominium accommodation of which no fewer than 100
273 condominium units are wholly rentable to transients and which is
274 licensed under chapter 509, except that the license shall be
275 issued only to the person or corporation that operates the hotel
276 or motel operation and not to the association of condominium
277 owners;

278 3. Any condominium accommodation of which no fewer than 50
279 condominium units are wholly rentable to transients, which is
280 licensed under chapter 509, and which is located in any county
281 having home rule under s. 10 or s. 11, Art. VIII of the State
282 Constitution of 1885, as amended, and incorporated by reference
283 in s. 6(e), Art. VIII of the State Constitution, except that the
284 license shall be issued only to the person or corporation that
285 operates the hotel or motel operation and not to the association
286 of condominium owners;

287 4. A bona fide food service establishment that has a
288 minimum of 2,000 square feet of service area, is equipped to
289 serve meals to 120 persons at one time, has at least 120
290 physical seats available for patrons to use during operating

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291 hours, holds itself out as a restaurant, and derives at least 51
292 percent of its gross food and beverage revenue from the sale of
293 food and nonalcoholic beverages during the first 120-day
294 operating period and the first 12-month operating period
295 thereafter. Subsequent audit timeframes must be based upon the
296 audit percentage established by the most recent audit and
297 conducted on a staggered scale as follows: level 1, 51 percent
298 to 60 percent, every year; level 2, 61 percent to 75 percent,
299 every 2 years; level 3, 76 percent to 90 percent, every 3 years;
300 and level 4, 91 percent to 100 percent, every 4 years. A
301 licensee under this subparagraph may sell or deliver alcoholic
302 beverages in a sealed container for off-premises consumption if
303 the sale or delivery is accompanied by the sale of food within
304 the same order. Such authorized sale or delivery includes wine-
305 based and liquor-based beverages prepared by the licensee or its
306 employee and packaged in a container sealed by the licensee or
307 its employee. This subparagraph may not be construed to
308 authorize public food service establishments licensed under this
309 subparagraph to sell a bottle of distilled spirits sealed by a
310 manufacturer. Any sale or delivery of malt beverages must comply
311 with the container size, labeling, and filling requirements
312 imposed under s. 563.06. Any delivery of an alcoholic beverage
313 under this subparagraph must comply with s. 561.57. An alcoholic
314 beverage drink prepared by the vendor and sold or delivered for
315 consumption off the premises must be placed in a container
316 securely sealed by the licensee or its employees with an
317 unbroken seal that prevents the beverage from being immediately
318 consumed before removal from the premises. Such alcoholic
319 beverage also must be placed in a bag or other container that is

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320 secured in such a manner that it is visibly apparent if the
321 container has been subsequently opened or tampered with, and a
322 dated receipt for the alcoholic beverage and food must be
323 provided by the licensee and attached to the bag or container.
324 If transported in a motor vehicle, an alcoholic beverage that is
325 not in a container sealed by the manufacturer must be placed in
326 a locked compartment, a locked trunk, or the area behind the
327 last upright seat of a motor vehicle. It is a violation of the
328 prohibition in s. 562.11 to allow any person under the age of 21
329 to deliver alcoholic beverages on behalf of a vendor. The vendor
330 or the agent or employee of the vendor must verify the age of
331 the person making the delivery of the alcoholic beverage before
332 allowing any person to take possession of an alcoholic beverage
333 for the purpose of making a delivery on behalf of a vendor under
334 this section. A food service establishment granted a special
335 license on or after January 1, 1958, pursuant to general or
336 special law may not operate as a package store and may not sell
337 intoxicating beverages under such license after the hours of
338 serving or consumption of food have elapsed. Failure by a
339 licensee to meet the required percentage of food and
340 nonalcoholic beverage gross revenues during the covered
341 operating period shall result in revocation of the license or
342 denial of the pending license application. A licensee whose
343 license is revoked or an applicant whose pending application is
344 denied, or any person required to qualify on the special license
345 application, is ineligible to have any interest in a subsequent
346 application for such a license for a period of 120 days after
347 the date of the final denial or revocation;

348 5. Any caterer, deriving at least 51 percent of its gross

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349 food and beverage revenue from the sale of food and nonalcoholic
350 beverages at each catered event, licensed by the Division of
351 Hotels and Restaurants under chapter 509. This subparagraph does
352 not apply to a culinary education program, as defined in s.
353 381.0072(2), which is licensed as a public food service
354 establishment by the Division of Hotels and Restaurants and
355 provides catering services. Notwithstanding any law to the
356 contrary, a licensee under this subparagraph shall sell or serve
357 alcoholic beverages only for consumption on the premises of a
358 catered event at which the licensee is also providing prepared
359 food, and shall prominently display its license at any catered
360 event at which the caterer is selling or serving alcoholic
361 beverages. A licensee under this subparagraph shall purchase all
362 alcoholic beverages it sells or serves at a catered event from a
363 vendor licensed under s. 563.02(1), s. 564.02(1), or ~~licensed~~
364 ~~under~~ s. 565.02(1) subject to the limitation imposed in
365 subsection (1), as appropriate. A licensee under this
366 subparagraph may not store any alcoholic beverages to be sold or
367 served at a catered event. Any alcoholic beverages purchased by
368 a licensee under this subparagraph for a catered event that are
369 not used at that event must remain with the customer; provided
370 that if the vendor accepts unopened alcoholic beverages, the
371 licensee may return such alcoholic beverages to the vendor for a
372 credit or reimbursement. Regardless of the county or counties in
373 which the licensee operates, a licensee under this subparagraph
374 shall pay the annual state license tax set forth in s.
375 565.02(1)(b). A licensee under this subparagraph must maintain
376 for a period of 3 years all records and receipts for each
377 catered event, including all contracts, customers' names, event

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378 locations, event dates, food purchases and sales, alcoholic
379 beverage purchases and sales, nonalcoholic beverage purchases
380 and sales, and any other records required by the department by
381 rule to demonstrate compliance with the requirements of this
382 subparagraph. Notwithstanding any law to the contrary, any
383 vendor licensed under s. 565.02(1) subject to the limitation
384 imposed in subsection (1), may, without any additional licensure
385 under this subparagraph, serve or sell alcoholic beverages for
386 consumption on the premises of a catered event at which prepared
387 food is provided by a caterer licensed under chapter 509. If a
388 licensee under this subparagraph also possesses any other
389 license under the Beverage Law, the license issued under this
390 subparagraph may not authorize the holder to conduct activities
391 on the premises to which the other license or licenses apply
392 that would otherwise be prohibited by the terms of that license
393 or the Beverage Law. This section does not permit the licensee
394 to conduct activities that are otherwise prohibited by the
395 Beverage Law or local law. The Division of Alcoholic Beverages
396 and Tobacco is hereby authorized to adopt rules to administer
397 the license created in this subparagraph, including ~~to include~~
398 rules governing licensure, recordkeeping, and enforcement. The
399 first \$300,000 in fees collected by the division each fiscal
400 year pursuant to this subparagraph shall be deposited in the
401 Department of Children and Families' Operations and Maintenance
402 Trust Fund to be used only for alcohol and drug abuse education,
403 treatment, and prevention programs. The remainder of the fees
404 collected shall be deposited into the Hotel and Restaurant Trust
405 Fund created pursuant to s. 509.072; or

406 6. A culinary education program as defined in s.

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407 381.0072(2) which is licensed as a public food service
408 establishment by the Division of Hotels and Restaurants.

409 a. This special license shall allow the sale and
410 consumption of alcoholic beverages on the licensed premises of
411 the culinary education program. The culinary education program
412 shall specify designated areas in the facility where the
413 alcoholic beverages may be consumed at the time of application.
414 Alcoholic beverages sold for consumption on the premises may be
415 consumed only in areas designated under s. 561.01 ~~s. 561.01(11)~~
416 and may not be removed from the designated area. Such license
417 shall be applicable only in and for designated areas used by the
418 culinary education program.

419 b. If the culinary education program provides catering
420 services, this special license shall also allow the sale and
421 consumption of alcoholic beverages on the premises of a catered
422 event at which the licensee is also providing prepared food. A
423 culinary education program that provides catering services is
424 not required to derive at least 51 percent of its gross revenue
425 from the sale of food and nonalcoholic beverages.
426 Notwithstanding any law to the contrary, a licensee that
427 provides catering services under this sub-subparagraph shall
428 prominently display its beverage license at any catered event at
429 which the caterer is selling or serving alcoholic beverages.
430 Regardless of the county or counties in which the licensee
431 operates, a licensee under this sub-subparagraph shall pay the
432 annual state license tax set forth in s. 565.02(1)(b). A
433 licensee under this sub-subparagraph must maintain for a period
434 of 3 years all records required by the department by rule to
435 demonstrate compliance with the requirements of this sub-

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436 subparagraph.

437 c. If a licensee under this subparagraph also possesses any
438 other license under the Beverage Law, the license issued under
439 this subparagraph does not authorize the holder to conduct
440 activities on the premises to which the other license or
441 licenses apply that would otherwise be prohibited by the terms
442 of that license or the Beverage Law. This subparagraph does not
443 permit the licensee to conduct activities that are otherwise
444 prohibited by the Beverage Law or local law. Any culinary
445 education program that holds a license to sell alcoholic
446 beverages shall comply with the age requirements set forth in
447 ss. 562.11(4), 562.111(2), and 562.13.

448 d. The Division of Alcoholic Beverages and Tobacco may
449 adopt rules to administer the license created in this
450 subparagraph, to include rules governing licensure,
451 recordkeeping, and enforcement.

452 e. A license issued pursuant to this subparagraph does not
453 permit the licensee to sell alcoholic beverages by the package
454 for off-premises consumption.

455
456 However, any license heretofore issued to any such hotel, motel,
457 motor court, or restaurant or hereafter issued to any such
458 hotel, motel, or motor court, including a condominium
459 accommodation, under this section ~~the general law~~ may not be
460 moved to a new location, such license being valid only on the
461 premises of such hotel, motel, motor court, or restaurant.
462 Licenses issued to hotels, motels, motor courts, or restaurants
463 under the general law and held by such hotels, motels, motor
464 courts, or restaurants on May 24, 1947, shall be counted in the

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465 quota limitation contained in subsection (1). Any license issued
466 for any hotel, motel, or motor court under this section ~~law~~
467 shall be issued only to the owner of the hotel, motel, or motor
468 court or, in the event the hotel, motel, or motor court is
469 leased, to the lessee of the hotel, motel, or motor court; and
470 the license shall remain in the name of the owner or lessee so
471 long as the license is in existence. Any special license now in
472 existence heretofore issued under this section ~~law~~ cannot be
473 renewed except in the name of the owner of the hotel, motel,
474 motor court, or restaurant or, in the event the hotel, motel,
475 motor court, or restaurant is leased, in the name of the lessee
476 of the hotel, motel, motor court, or restaurant in which the
477 license is located and must remain in the name of the owner or
478 lessee so long as the license is in existence. Any license
479 issued under this section shall be marked "Special," and nothing
480 herein provided shall limit, restrict, or prevent the issuance
481 of a special license for any restaurant or motel which shall
482 hereafter meet the requirements of the law existing immediately
483 before the effective date of this act, if construction of such
484 restaurant has commenced before the effective date of this act
485 and is completed within 30 days thereafter, or if an application
486 is on file for such special license at the time this act takes
487 effect; and any such licenses issued under this section ~~provide~~
488 may be annually renewed as ~~now~~ provided by law. Nothing herein
489 prevents an application for transfer of a license to a bona fide
490 purchaser of any hotel, motel, motor court, or restaurant by the
491 purchaser of such facility or the transfer of such license
492 pursuant to law.

493 (f) In addition to the exceptions set forth in this

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494 subsection, no such limitation of the number of licenses as
495 herein provided shall prohibit the issuance of special airport
496 licenses as defined in s. 561.01 ~~s. 561.01(12)~~ to restaurants
497 that are a part of, or serve, publicly owned or leased airports.
498 The special airport license provided for herein shall allow for
499 consumption within designated areas of the airport terminal as
500 defined in s. 561.01 ~~s. 561.01(13)~~. Any holder of such special
501 license located at a publicly owned and operated airport may
502 sell and serve alcoholic beverages for consumption on the
503 premises to the general public under such license in not more
504 than four places or locations in control of the holder of such
505 license. Any license so issued may not be transferred to a new
506 location, except that a vendor operating a place of business
507 under a special license may transfer such license when the
508 publicly owned or leased airport at which the vendor operates a
509 place of business under a special license moves its terminal
510 facilities on the same airport premises, or when the airport is
511 required by law to move its entire operation to a new location.
512 Any license so issued shall entitle the vendor operating a place
513 of business under such license to sell to airlines vinous
514 beverages and distilled spirits in sealed miniature containers
515 and other alcoholic beverages for consumption on the aircraft
516 using the facility, but only for consumption by the passengers
517 of the aircraft when such aircraft is airborne.

518 Section 4. Paragraph (c) of subsection (2) and paragraph
519 (a) of subsection (3) of section 561.221, Florida Statutes, are
520 amended, and paragraph (f) is added to subsection (2) of that
521 section, to read:

522 561.221 Licensing of manufacturers and distributors as

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523 vendors and of vendors as manufacturers; conditions and
524 limitations.-

525 (2)

526 (c) Notwithstanding any other provision of the Beverage
527 Law, a manufacturer holding multiple manufacturing licenses may
528 transfer malt beverages to a licensed facility, as provided in
529 s. 563.022(14) (d), in an amount up to the yearly production
530 amount at the receiving facility. Malt beverages and other
531 alcoholic beverages that are manufactured under contract or by
532 an alternating proprietorship by another licensed manufacturer
533 and, including any malt beverages that are owned in whole or in
534 part by the manufacturer may be transferred to the licensed
535 facility as provided in s. 563.022(14) (d). Malt beverages and
536 other alcoholic beverages that are not owned by the manufacturer
537 and that but are brewed by another manufacturer, must be
538 obtained through a licensed distributor that is not also a
539 licensed manufacturer, a licensed broker or sales agent, or a
540 licensed importer.

541 (f) A craft brewery licensed under this subsection may
542 conduct tastings and sell malt beverages produced by the craft
543 brewery at state fairs, trade shows, farmers' markets,
544 expositions, and festivals. The division shall issue permits to
545 craft breweries for such tastings and sales. A craft brewery
546 must pay all entry fees and must have a representative of the
547 craft brewery present during the event. A permit issued under
548 this paragraph is limited to the duration and physical location
549 of the event.

550 (3) (a) Notwithstanding other provisions of the Beverage
551 Law, any vendor licensed in this state may be licensed as a

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552 manufacturer of malt beverages upon a finding by the division
553 that:

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

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

561 Section 5. Section 561.37, Florida Statutes, is amended to
562 read:

563 561.37 Bond for payment of taxes.—Each ~~manufacturer and~~
564 ~~each~~ distributor shall file with the division a surety bond
565 acceptable to the division in the sum of \$25,000 as surety for
566 the payment of all taxes, provided, however, that when in the
567 discretion of the division the amount of business done by the
568 ~~manufacturer or~~ distributor is of such volume that a bond of
569 less than \$25,000 will be adequate to secure the payment of all
570 taxes assessed or authorized by the Beverage Law, the division
571 may accept a bond in a lesser sum than \$25,000, but in no event
572 shall it accept a bond of less than \$10,000, and it may at any
573 time in its discretion require any bond in an amount less than
574 \$25,000 to be increased so as not to exceed \$25,000; ~~provided,~~
575 ~~however, that the amount of bond required for a brewer shall be~~
576 ~~\$20,000, except that where, in the discretion of the division,~~
577 ~~the amount of business done by the brewer is of such volume that~~
578 ~~a bond of less than \$20,000 will be adequate to secure the~~
579 ~~payment of all taxes assessed or authorized by the Beverage Law,~~
580 ~~the division may accept a bond in a lesser sum than \$20,000, but~~

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581 ~~in no event shall it accept a bond of less than \$10,000, and it~~
582 ~~may at any time in its discretion require any bond in an amount~~
583 ~~less than \$20,000 to be increased so as not to exceed \$20,000;~~
584 ~~provided further that the amount of the bond required for a wine~~
585 ~~or wine and cordial manufacturer shall be \$5,000, except that,~~
586 ~~in the case of a manufacturer engaged solely in the experimental~~
587 ~~manufacture of wines and cordials from Florida products, where~~
588 ~~in the discretion of the division the amount of business done by~~
589 ~~such manufacturer is of such volume that a bond of less than~~
590 ~~\$5,000 will be adequate to secure the payment of all taxes~~
591 ~~assessed or authorized by the Beverage Law, the division may~~
592 ~~accept a bond in a lesser sum than \$5,000, but in no event shall~~
593 ~~it accept a bond of less than \$1,000 and it may at any time in~~
594 ~~its discretion require a bond in an amount less than \$5,000 to~~
595 ~~be increased so as not to exceed \$5,000; provided, however~~
596 ~~further,~~ that the amount of bond required for a distributor who
597 sells only beverages containing not more than 4.007 percent of
598 alcohol by volume, in counties where the sale of intoxicating
599 liquors, wines, and beers is prohibited, and to distributors who
600 sell only beverages containing not more than 17.259 percent of
601 alcohol by volume and wines regardless of alcoholic content, in
602 counties where the sale of intoxicating liquors, wines, and
603 beers is permitted, shall file with the division a surety bond
604 acceptable to the division in the sum of \$25,000, as surety for
605 the payment of all taxes; provided, however, that where in the
606 discretion of the division the amount of business done by such
607 distributor is of such volume that a bond of less than \$25,000
608 will be adequate to secure the payment of all taxes assessed or
609 authorized by the Beverage Law, the division may accept a bond

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610 in a less sum than \$25,000, but in no event shall it accept a
611 bond less than \$1,000, and it may at any time in its discretion
612 require any bond in an amount less than \$25,000 to be increased
613 so as not to exceed \$25,000; provided, further, that the amount
614 of bond required for a distributor in a county having a
615 population of 15,000 or less who procures a license by which his
616 or her sales are restricted to distributors and vendors who have
617 obtained licenses in the same county, shall be \$5,000.

618 Section 6. Subsection (2) of section 561.4205, Florida
619 Statutes, is amended to read:

620 561.4205 Keg deposits; limited alternative inventory and
621 reconciliation process.—

622 (2) In lieu of receiving a keg deposit, a distributor
623 selling alcoholic beverages by recyclable keg or other similar
624 reusable container for the purpose of sale in draft form to a
625 vendor identified in s. 561.01 ~~s. 561.01(18)~~ or s. 565.02(6) or
626 (7) shall implement an inventory and reconciliation process with
627 such vendor in which an accounting of kegs is completed and any
628 loss or variance in the number of kegs is paid for by the vendor
629 on a per-keg basis equivalent to the required keg deposit. This
630 inventory and reconciliation process may occur twice per year,
631 at the discretion of the distributor, but must occur at least
632 annually. Upon completion of an agreed upon keg inventory and
633 reconciliation, the vendor shall remit payment within 15 days
634 after receiving an invoice from the distributor. The vendor may
635 choose to establish and fund a separate account with the
636 distributor for the purpose of expediting timely payments.

637 Section 7. Subsection (2) of section 562.14, Florida
638 Statutes, is amended to read:

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639 562.14 Regulating the time for sale of alcoholic and
640 intoxicating beverages; prohibiting use of licensed premises.-

641 (2) Except as otherwise provided by county or municipal
642 ordinance, no vendor issued an alcoholic beverage license to
643 sell alcoholic beverages for consumption on the vendor's
644 licensed premises and whose principal business is the sale of
645 alcoholic beverages, shall allow the licensed premises, as
646 defined in s. 561.01 ~~s. 561.01(11)~~, to be rented, leased, or
647 otherwise used during the hours in which the sale of alcoholic
648 beverages is prohibited. However, this prohibition shall not
649 apply to the rental, lease, or other use of the licensed
650 premises on Sundays after 8 a.m. Further, neither this
651 subsection, nor any local ordinance adopted pursuant to this
652 subsection, shall be construed to apply to a theme park complex
653 as defined in s. 565.02(6) or an entertainment/resort complex as
654 defined in s. 561.01 ~~s. 561.01(18)~~.

655 Section 8. Subsection (2) of section 563.02, Florida
656 Statutes, is amended to read:

657 563.02 License fees; vendors; manufacturers and
658 distributors.-

659 (2) Each manufacturer engaged in the business of brewing
660 only malt beverages shall pay an annual state license tax of
661 \$3,000 for each plant or branch he or she may operate. However,
662 each manufacturer engaged in the business of brewing less than
663 60,000 barrels ~~10,000 kegs~~ of malt beverages annually pursuant
664 to s. 561.221(2) or for consumption on the premises pursuant to
665 s. 561.221(3) shall pay an annual state license tax of \$500 for
666 each plant or branch.

667 Section 9. Section 563.042, Florida Statutes, is created to

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668 read:

669 563.042 Contract brewing and alternating proprietorship
670 brewing.-671 (1) As used in this section, the term:672 (a) "Alternating proprietorship brewing" means an agreement
673 between a host brewer and a guest brewer in which the guest
674 brewer manufactures malt beverages at the host brewer's licensed
675 premises.676 (b) "Contract brewer" means a licensed manufacturer of malt
677 beverages who brews malt beverages on its licensed premises for
678 a contracting brewer.679 (c) "Contract brewing" means an agreement between a
680 contract brewer and a contracting brewer in which the contract
681 brewer brews malt beverages on its licensed premises for the
682 contracting brewer.683 (d) "Contracting brewer" means a licensed manufacturer of
684 malt beverages who contracts for the brewing of malt beverages.685 (e) "Guest brewer" means a licensed manufacturer of malt
686 beverages who brews malt beverages at a host brewer's licensed
687 premises.688 (f) "Host brewer" means a licensed manufacturer of malt
689 beverages who allows a guest brewer to brew malt beverages at
690 the host brewer's licensed premises.691 (2) Notwithstanding any other provision of the Beverage
692 Law, a contract brewer may transfer beer or malt beverages to a
693 contracting brewer in an amount up to the yearly production
694 amount at a contracting brewer's facility pursuant to contract
695 brewing in accordance with this section and as provided in s.
696 563.022 (2) (c).

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697 (3) A contract brewer may contract with one or more
698 contracting brewers to manufacture beer or malt beverages for
699 the contract brewer. The contract brewer is responsible for
700 complying with all federal and state laws dealing with the
701 manufacturing of beer, including labeling laws, and is
702 responsible for the payment of all federal and state taxes on
703 any beer manufactured pursuant to this section after removing
704 the beer from the manufacturer's licensed premises. Title to the
705 malt beverages remains with the contract brewer until the malt
706 beverages are removed from the licensed premises.

707 (4) Each entity engaged in the activities described in this
708 section must maintain records including the agreement
709 authorizing the manufacturing and transfer of malt beverages,
710 the records of the amount manufactured as part of the agreement,
711 and any other records required by the division to ensure
712 compliance with the Beverage Law.

713 (5) Licensed manufacturers of malt beverages intending to
714 engage in contract brewing shall:

715 (a) Notify the division of their intent to operate as a
716 contract brewer or contracting brewer before engaging in
717 contract brewing and disclose the location of the licensed
718 premises where brewing will occur on forms provided by the
719 division. Contracting brewers may only engage in the manufacture
720 of malt beverages at their duly licensed premises and at the
721 disclosed licensed premises of a contract brewer.

722 (b) Complete and submit a report to the division by the
723 10th day of each month. Contract brewers must report the volume
724 of each label of malt beverages manufactured on its licensed
725 premises. Contracting brewers shall report the volume of each

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726 label of malt beverages manufactured at the licensed premises of
727 the contract brewer.

728 (c) Maintain all records as required by manufacturers of
729 malt beverages under the Beverage Law.

730 (6) Before engaging in alternating proprietorship brewing,
731 each entity seeking to become a host brewer or a guest brewer
732 must qualify as a brewer with the National Revenue Center within
733 the United States Department of the Treasury and submit the
734 following information to the division on a form approved by the
735 division: the name of the host brewer, the name of the guest
736 brewer, the location where the alternating proprietorship
737 brewing will take place, the location where any product brewed
738 pursuant to the alternating proprietorship brewing will be
739 stored, the amount of malt beverages to be produced under the
740 alternating proprietorship brewing, the timeframe in which the
741 guest brewer will be manufacturing malt beverages on the host
742 brewer's licensed premises, proof of occupancy rights to the
743 host brewer's licensed premises for the duration of the
744 alternating proprietorship brewing, and any other information
745 reasonably deemed necessary by the division to ensure the
746 health, safety, and welfare of people in the state, or to ensure
747 that all applicable taxes on the malt beverages produced
748 pursuant to alternating proprietorship brewing are remitted to
749 the state.

750 (7) Each contracting brewer's malt beverages must remain
751 separate and identifiable from the beer of the other tenants at
752 the contract brewer's licensed premises at all times.

753 (8) Each guest brewer must complete and submit a report to
754 the division by the 10th day of each month. Guest brewers must

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755 report the volume of each label of malt beverages manufactured
756 on each licensed premises. Host brewers must report the volume
757 of each label of malt beverages manufactured on the licensed
758 premises of the host brewer.

759 (9) The guest brewer is responsible for complying with all
760 federal and state laws dealing with the manufacturing of beer,
761 including labeling laws, and is responsible for paying all
762 federal and state taxes on any beer manufactured pursuant to
763 this section after removing the beer from the manufacturer's
764 licensed premises. Title to the malt beverages remains with the
765 guest brewer.

766 (10) Manufacturers or vendors licensed pursuant to s.
767 561.221(3) may not engage in contract brewing or alternating
768 proprietorship brewing.

769 (11) The division may adopt rules and forms pursuant to ss.
770 120.536(1) and 120.54 to implement this section.

771 Section 10. Subsection (1) of section 563.045, Florida
772 Statutes, is amended to read:

773 563.045 Brands or labels to be registered; qualification to
774 do business; fee; revocation.—

775 (1) A ~~No~~ manufacturer, brewer, bottler, distributor, or
776 importer of malt beverages, whether licensed under the beverage
777 laws of this state or not, may not ~~shall~~ sell or offer for sale
778 in this state, or move or cause to be moved within this state or
779 into this state, any malt beverages, without first qualifying to
780 do business in the state and registering its name and the brands
781 or labels that will be sold to a distributor under which the
782 malt beverages are to be sold or moved and furnishing such
783 samples and information as to content, quality, and formula of

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784 such malt beverages as the division may require. Brands or
785 labels that are not sold to a distributor do not need to be
786 registered.

787 Section 11. Paragraph (a) of subsection (1) of section
788 768.36, Florida Statutes, is amended to read:

789 768.36 Alcohol or drug defense.—

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

791 (a) "Alcoholic beverage" means distilled spirits and any
792 beverage that contains 0.5 percent or more alcohol by volume as
793 determined in accordance with s. 561.01(2)(b) ~~s. 561.01(4)(b)~~.

794 Section 12. Paragraph (b) of subsection (1) of section
795 817.36, Florida Statutes, is amended to read:

796 817.36 Resale of tickets.—

797 (1) A person or entity that offers for resale or resells
798 any ticket may charge only \$1 above the admission price charged
799 therefor by the original ticket seller of the ticket for the
800 following transactions:

801 (b) Multiday or multievent tickets to a park or
802 entertainment complex or to a concert, entertainment event,
803 permanent exhibition, or recreational activity within such a
804 park or complex, including an entertainment/resort complex as
805 defined in s. 561.01 ~~s. 561.01(18)~~.

806 Section 13. Paragraph (a) of subsection (1) of section
807 856.015, Florida Statutes, is amended to read:

808 856.015 Open house parties.—

809 (1) Definitions.—As used in this section:

810 (a) "Alcoholic beverage" means distilled spirits and any
811 beverage containing 0.5 percent or more alcohol by volume. The
812 percentage of alcohol by volume shall be determined in

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813 accordance with s. 561.01(2)(b) ~~the provisions of s.~~
814 ~~561.01(4)(b)~~.

815 Section 14. Subsection (8) of section 1006.09, Florida
816 Statutes, is amended to read:

817 1006.09 Duties of school principal relating to student
818 discipline and school safety.—

819 (8) The school principal shall require all school personnel
820 to report to the principal or principal's designee any suspected
821 unlawful use, possession, or sale by a student of any controlled
822 substance, as defined in s. 893.02; any counterfeit controlled
823 substance, as defined in s. 831.31; any alcoholic beverage, as
824 defined in s. 561.01 ~~s. 561.01(4)~~; or model glue. School
825 personnel are exempt from civil liability when reporting in good
826 faith to the proper school authority such suspected unlawful
827 use, possession, or sale by a student. Only a principal or
828 principal's designee is authorized to contact a parent or legal
829 guardian of a student regarding this situation. Reports made and
830 verified under this subsection shall be forwarded to an
831 appropriate agency. The principal or principal's designee shall
832 timely notify the student's parent that a verified report made
833 under this subsection with respect to the student has been made
834 and forwarded.

835 Section 15. This act shall take effect July 1, 2024.