

1 A bill to be entitled
 2 An act relating to malt beverages; amending 561.42,
 3 F.S.; authorizing certain manufacturers to sell and
 4 deliver malt beverages to vendors; amending s.
 5 563.022, F.S.; authorizing a manufacturer to
 6 terminate, cancel, nonrenew, and discontinue certain
 7 contracts under certain conditions; providing that
 8 such terminations, cancellations, nonrenewals, and
 9 discontinuances are not violations of unlawful acts
 10 and practices provisions; authorizing the Division of
 11 Alcoholic Beverages and Tobacco to determine a
 12 manufacturer's yearly production amount, upon the
 13 manufacturer's request; providing that certain
 14 information is prima facie evidence; authorizing the
 15 division to adopt rules; providing applicability;
 16 amending s. 561.221, F.S.; conforming a cross-
 17 reference; providing an effective date.

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

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 21 **Section 1. Subsection (15) is added to section 561.42,**
 22 **Florida Statutes, to read:**

23 561.42 Tied house evil; financial aid and assistance to
 24 vendor by manufacturer, distributor, importer, primary American
 25 source of supply, brand owner or registrant, or any broker,

26 sales agent, or sales person thereof, prohibited; procedure for
27 enforcement; exception.—

28 (15) Nothing in this section or any other provision of the
29 Beverage Law shall prohibit a malt beverage manufacturer who
30 produces less than 31,000 gallons of malt beverages within a
31 calendar year from selling and delivering the malt beverages
32 produced by the manufacturer directly to vendors.

33 **Section 2. Subsections (12) through (21) of section**
34 **563.022, Florida Statutes, are renumbered as subsections (13)**
35 **through (22), respectively, and a new subsection (12) is added**
36 **to that section, to read:**

37 563.022 Relations between beer distributors and
38 manufacturers.—

39 (12) TERMINATION, CANCELLATION, NONRENEWAL, AND
40 DISCONTINUANCE OF FRANCHISE AGREEMENT.—

41 (a) Notwithstanding any provision of law relating to
42 franchise agreements or any other provision in this section, a
43 manufacturer may terminate, cancel, nonrenew, or discontinue a
44 franchise agreement when all of the following occur:

45 1. The manufacturer produced less than 31,000 gallons of
46 beer in the 12 months before the effective date of the franchise
47 agreement.

48 2. The manufacturer provides written notice of the
49 termination, cancellation, nonrenewal, or discontinuance of the
50 franchise agreement to the distributor not less than 24 months

51 before the effective date of the termination, cancellation,
52 nonrenewal, or discontinuance.

53 3. The manufacturer provides written notice of the
54 termination, cancellation, nonrenewal, or discontinuance to the
55 distributor not less than 36 months, but not more than 38
56 months, after the effective date of the franchise agreement.

57 (b) A franchise agreement that is terminated, cancelled,
58 nonrenewed, or discontinued under this subsection is not a
59 violation of subsection (4), and a manufacturer is not required
60 to pay reasonable compensation to a distributor.

61 (c) At the request of a manufacturer, the division may
62 determine the manufacturer's yearly production amount. A
63 determination by the division, when certified in writing, is
64 prima facie evidence of the amount of beer produced by the
65 manufacturer in a 12-month period. The division may adopt rules
66 for manufacturers to request written certification of the amount
67 of beer produced by a manufacturer in a given period. However, a
68 manufacturer may not make such request more than once in any 12-
69 month period. A determination by the division that a
70 manufacturer produces less than 31,000 gallons in a 12-month
71 period is effective for 3 years.

72 (d) This subsection applies to all franchise agreements
73 entered into on or after July 1, 2025, and may not be waived by
74 any party in a franchise agreement.

75 **Section 3. Paragraph (c) of subsection (2) of section**

76 **561.221, Florida Statutes, is amended to read:**

77 561.221 Licensing of manufacturers and distributors as
78 vendors and of vendors as manufacturers; conditions and
79 limitations.—

80 (2)

81 (c) Notwithstanding any other provision of the Beverage
82 Law, a manufacturer holding multiple manufacturing licenses may
83 transfer malt beverages to a licensed facility, as provided in
84 s. 563.022(15)(d) ~~s. 563.022(14)(d)~~, in an amount up to the
85 yearly production amount at the receiving facility. Malt
86 beverages and other alcoholic beverages manufactured by another
87 licensed manufacturer, including any malt beverages that are
88 owned in whole or in part by the manufacturer but are brewed by
89 another manufacturer, must be obtained through a licensed
90 distributor that is not also a licensed manufacturer, a licensed
91 broker or sales agent, or a licensed importer.

92 **Section 4.** This act shall take effect July 1, 2025.