By Senator Young

18-00400A-17

A bill to be entitled
An act relating to craft breweries; amending s. 561.221, F.S.; exempting certain vendors from specified delivery restrictions under certain circumstances; amending s. 561.5101, F.S.; revising applicability; amending s. 561.57, F.S.; providing that certain manufacturers may transport malt beverages in vehicles owned or leased by certain persons other than the manufacturer; amending s. 563.022, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

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

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

(2)

(d) A manufacturer possessing a vendor’s license under this subsection is not permitted to make deliveries under s. 561.57(1), except as provided in paragraph (f).

(f) Notwithstanding any other provision of the Beverage Law, a manufacturer possessing a vendor’s license under this subsection may sell, transport, and deliver to vendors, from the manufacturer’s licensed premises, malt beverages that have been manufactured on its licensed premises, if the manufacturer complies with the requirements in ss. 561.42 and 561.423, as applicable, to the same extent as if the manufacturer were a
1. The authority provided in this section is limited to the
sale, transport, and delivery of kegs.

2. Any delivery under this paragraph is subject to the
provisions of s. 561.57(2) related to deliveries by licensees.

3. This paragraph does not apply to a manufacturer who:
   a. Has a franchise agreement with a distributor pursuant to
      s. 563.022.
   b. Produces more than 7,000 kegs of malt beverages a year.

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

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

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

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

561.5101 Come-to-rest requirement; exceptions; penalties.—
(1) For purposes of inspection and tax-revenue control, all
malt beverages, except those manufactured and sold by the same
licensee, pursuant to s. 561.221(2) or (3), must come to rest at
the licensed premises of an alcoholic beverage wholesaler in
this state before being sold to a vendor by the wholesaler. The
prohibition contained in this subsection does not apply to the
shipment of malt beverages commonly known as private labels. The prohibition contained in this subsection shall not prevent a manufacturer from shipping malt beverages for storage at a bonded warehouse facility, provided that such malt beverages are distributed as provided in this subsection or to an out-of-state entity. The prohibition contained in this subsection does not apply to a manufacturer delivering alcoholic beverages to a licensed vendor as provided in s. 561.221(2)(f).

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

561.57 Deliveries by licensees.—

(2) Deliveries made by a manufacturer, distributor, or vendor away from his or her place of business may be made only in vehicles that which are owned or leased by the licensee. However, a manufacturer authorized to make deliveries under s. 561.221(2)(f) to the licensed premises of a vendor may transport malt beverages if the vehicle used to transport the alcoholic beverages is owned or leased by the manufacturer or any person who has been disclosed on a license application filed by the manufacturer and approved by the division. By acceptance of an alcoholic beverage license and the use of such vehicles, the licensee agrees that such vehicle shall always be subject to be inspected and searched without a search warrant, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages.

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

563.022 Relations between beer distributors and manufacturers.—

(14) MANUFACTURER; PROHIBITED INTERESTS.—

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

Section 5. This act shall take effect July 1, 2017.