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CHAMBER ACTION

The Committee on Business Regulation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Beverage Law; amending s. 561.32, F.S., relating to transfer of certain licenses to sell alcoholic beverages; providing exception to waiver of certain transfer fees when a described transfer is within a specified period; amending s. 561.221, F.S.; revising provisions for limited permits issued by the Division of Alcoholic Beverages and Tobacco for wine tastings and sales at certain events; amending s. 561.57, F.S.; revising provisions limiting vehicles used in making deliveries of alcoholic beverages; amending s. 599.004, F.S.; allowing a Florida Farm Winery to lease its premises to a vendor; allowing sales to occur only on the premises of the winery; providing an effective date.

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

Section 1. Subsection (5) of section 561.32, Florida Statutes, is amended to read:



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29 | 561.32 Transfer of licenses; change of officers or
30 | directors; transfer of interest.--

31 | (4)(a) Except as provided in paragraph (b), a license
32 | issued under s. 561.20(1) shall not be transferable in any
33 | manner, either directly or indirectly, including by any change
34 | in stock, partnership shares, or other form of ownership of any
35 | entity holding the license, except by probate or guardianship
36 | proceedings, for a period of 3 years from the date of original
37 | issuance. Any attempted assignment, sale, or transfer of
38 | interest in such license either directly or indirectly in
39 | violation of this provision is hereby declared void, and the
40 | license shall be deemed abandoned and shall revert to the state
41 | to be issued in the manner provided by law for issuance of new
42 | licenses.

43 | (b) A license issued under s. 561.20(1) may be transferred
44 | as provided by law within the 3-year period only upon payment to
45 | the division of a transfer fee in an amount equal to 15 times
46 | the annual license fee specified in s. 565.02(1)(b)-(f) in the
47 | county in which the license is valid. However, if the county is
48 | only authorized for the issuance of liquor licenses for package
49 | sales only, the transfer fee shall be in an amount equal to 15
50 | times the annual license fee specified in s. 565.02(1)(a).
51 | Subsequent to any such transfer, the transferee shall be subject
52 | to the provisions of the beverage laws with respect to the
53 | requirement for initial issuance of a license. Any change of
54 | ownership in any manner, either directly or indirectly,
55 | including any change in stock, partnership shares, or other form
56 | of ownership of any entity holding the license shall be



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57 | considered a transfer and subject to the fees set forth in this
 58 | paragraph. The transfer fees provided for in this paragraph
 59 | shall be in addition to any other transfer fee provided for by
 60 | this section. The funds collected pursuant to this paragraph
 61 | shall be deposited in the Alcoholic Beverages and Tobacco Trust
 62 | Fund and shall be used by the division to defray the costs of
 63 | operation.

64 | (5) The division shall waive the transfer fee and the
 65 | delinquent penalties, but not the license renewal fee, when the
 66 | transfer of an interest in an alcoholic beverage license occurs
 67 | by operation of law because of a death, judicial proceedings,
 68 | court appointment of a fiduciary, foreclosure or forced judicial
 69 | sale, bankruptcy proceedings, or seizure of a license by a
 70 | government agency. The waiver provided for in this subsection
 71 | shall not apply to transfers due to a foreclosure or forced
 72 | judicial sale made within the 3-year period set forth in
 73 | subsection (4).

74 | Section 2. Subsection (1) of section 561.221, Florida
 75 | Statutes, is amended to read:

76 | 561.221 Licensing of manufacturers and distributors as
 77 | vendors and of vendors as manufacturers; conditions and
 78 | limitations.--

79 | (1)(a) Nothing contained in s. 561.22, s. 561.42, or any
 80 | other provision of the Beverage Law prohibits the ownership,
 81 | management, operation, or control of not more than three
 82 | vendor's licenses for the sale of alcoholic beverages by a
 83 | manufacturer of wine who is licensed and engaged in the
 84 | manufacture of wine in this state, even if such manufacturer is



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85 also licensed as a distributor; provided that no such vendor's
86 license shall be owned, managed, operated, or controlled by any
87 licensed manufacturer of wine unless the licensed premises of
88 the vendor are situated on property contiguous to the
89 manufacturing premises of the licensed manufacturer of wine.

90 (b) The Division of Alcoholic Beverages and Tobacco shall
91 issue permits to a certified Florida Farm Winery to conduct
92 tastings ~~tasting and sales~~ of wine produced by certified Florida
93 Farm Wineries at Florida fairs, trade shows, expositions, and
94 festivals. The certified Florida Farm Winery shall pay all entry
95 fees and shall have a winery representative present during the
96 event. The permit is limited to the length of the event.

97 (c) The Division of Alcoholic Beverages and Tobacco shall
98 issue permits to vendors to conduct tastings and sales of wine
99 at Florida fairs, trade shows, expositions, and festivals. The
100 permit is limited to the length of the event.

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

103 561.57 Deliveries by licensees.--

104 (2) Manufacturers and distributors may make deliveries to
105 other manufacturers and distributors in vehicles that are owned
106 or leased by the licensee or by common carrier. Distributors may
107 make deliveries to vendors in vehicles that are owned or leased
108 by the licensee or by common carrier. Vendors may make
109 deliveries to consumers in vehicles which are owned or leased by
110 the licensee or by common carrier. However, a vendor that holds
111 a manufacturer's or distributor's license in the same entity as
112 the vendor or in a subsidiary or affiliated entity may not make



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113 any deliveries to consumers ~~Deliveries made by a manufacturer,~~
114 ~~distributor, or vendor away from his or her place of business~~
115 ~~may be made only in vehicles which are owned or leased by the~~
116 ~~licensee.~~ By acceptance of an alcoholic beverage license and the
117 use of such vehicles that are owned or leased by the licensee,
118 the licensee agrees that such vehicle shall always be subject to
119 be inspected and searched without a search warrant, for the
120 purpose of ascertaining that all provisions of the alcoholic
121 beverage laws are complied with, by authorized employees of the
122 division and also by sheriffs, deputy sheriffs, and police
123 officers during business hours or other times the vehicle is
124 being used to transport or deliver alcoholic beverages.

125 Section 4. Subsection (1) of section 599.004, Florida
126 Statutes, is amended to read:

127 599.004 Florida Farm Winery Program; registration; logo;
128 fees.--

129 (1) The Florida Farm Winery Program is established within
130 the Department of Agriculture and Consumer Services. Under this
131 program, a winery may qualify as a tourist attraction only if it
132 is registered with and certified by the department as a Florida
133 Farm Winery. Notwithstanding any other provision of the Beverage
134 Law, a Florida Farm Winery may lease a portion of its premises
135 to a vendor. A winery may not claim to be certified unless it
136 has received written approval from the department.

137 (a) To qualify as a certified Florida Farm Winery, a
138 winery shall meet the following standards:

139 1. Produce or sell less than 250,000 gallons of wine
140 annually.



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141 2. Maintain a minimum of 10 acres of owned or managed
142 vineyards in Florida.

143 3. Be open to the public for tours, tastings, and sales at
144 least 30 hours each week. Sales may occur only on the premises
145 of the Florida Farm Winery.

146 4. Make annual application to the department for
147 recognition as a Florida Farm Winery, on forms provided by the
148 department.

149 5. Pay an annual application and registration fee of \$100.

150 (b) To maintain certification and recognition as a Florida
151 Farm Winery, a winery must comply with the qualifications
152 provided in this section. The Commissioner of Agriculture is
153 authorized to officially recognize a certified Florida Farm
154 Winery as a state tourist attraction.

155 Section 5. This act shall take effect upon becoming a law.