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1
2 An act relating to alcoholic beverages; amending s.
3 402.82, F.S.; conforming provisions; prohibiting
4 electronic benefits transfer cards from being used or
5 accepted to purchase an alcoholic beverage; amending
6 s. 561.221, F.S.; providing requirements for a
7 licensed manufacturer of malt beverages to sell such
8 beverages directly to consumers; providing
9 requirements for a licensed manufacturer to obtain a
10 vendor's license; specifying circumstances under which
11 a manufacturer may sell alcoholic beverages under its
12 vendor's license; amending s. 561.42, F.S.; deleting a
13 prohibition against certain entities conducting
14 tastings; revising requirements for promotional
15 displays and advertising; amending s. 561.5101, F.S.;
16 conforming a cross-reference; amending s. 561.57,
17 F.S.; revising restrictions on the vehicle required
18 for use by a vendor who transports alcoholic
19 beverages; modifying provisions related to vehicle
20 permits for vendors; amending s. 562.07, F.S.;
21 conforming provisions; amending s. 562.34, F.S.;
22 providing that possessing and transporting a growler
23 is lawful; amending s. 563.06, F.S.; conforming
24 provisions; providing for a malt beverage container
25 defined as a growler; providing requirements for
26 growlers; creating s. 563.09, F.S.; authorizing a
27 licensed manufacturer, distributor, or importer of
28 malt beverages to conduct a malt beverage tasting;
29 providing requirements and limitations; amending s.

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30 565.03, F.S.; defining the term "branded product";
31 revising the limitation on the number of containers
32 that may be sold to consumers by craft distilleries;
33 applying such limitation to individual containers for
34 each branded product; prohibiting a craft distillery
35 from shipping or arranging to ship any of its
36 distilled spirits to consumers; limiting the sale and
37 delivery of distilled spirits; revising a restriction
38 on certain craft distillery ownership; requiring the
39 Department of Transportation to install certain
40 directional signs at specified locations upon the
41 request of a craft distillery licensed in this state;
42 requiring the requesting craft distillery to pay
43 specified costs; providing an effective date.
44

45 Be It Enacted by the Legislature of the State of Florida:
46

47 Section 1. Paragraph (a) of subsection (4) of section
48 402.82, Florida Statutes, is amended to read:

49 402.82 Electronic benefits transfer program.—

50 (4) Use or acceptance of an electronic benefits transfer
51 card is prohibited at the following locations or for the
52 following activities:

53 (a) The purchase of an alcoholic beverage as defined in s.
54 561.01 and sold pursuant to the Beverage Law ~~An establishment~~
55 ~~licensed under the Beverage Law to sell distilled spirits as a~~
56 ~~vendor and restricted as to the types of products that can be~~
57 ~~sold under ss. 565.04 and 565.045 or a bottle club as defined in~~
58 ~~s. 561.01.~~

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59 Section 2. Subsection (2) of section 561.221, Florida
60 Statutes, is amended to read:

61 561.221 Licensing of manufacturers and distributors as
62 vendors and of vendors as manufacturers; conditions and
63 limitations.—

64 (2) (a) Notwithstanding s. 561.22, 561.42, or any other
65 provision of the Beverage Law, the division is authorized to
66 issue vendor's licenses to a manufacturer of malt beverages,
67 even if such manufacturer is also licensed as a distributor, for
68 the sale of alcoholic beverages on property consisting of a
69 single complex, which property shall include a brewery ~~and such~~
70 ~~other structures which promote the brewery and the tourist~~
71 ~~industry of the state.~~ However, such property may be divided by
72 no more than one public street or highway.

73 (b) The licensed vendor premises shall be included on the
74 sketch or diagram defining the licensed premises submitted with
75 the manufacturer's license application pursuant to s.
76 561.01(11). All sketch or diagram revisions by the manufacturer
77 must be approved by the division, verifying that the vendor
78 premises operated by the licensed manufacturer is owned or
79 leased by the manufacturer and is located on the licensed
80 manufacturing premises.

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(14)(d), in an amount up to the yearly production
85 amount at the receiving facility. Malt beverages and other
86 alcoholic beverages manufactured by another licensed
87 manufacturer, including any malt beverages that are owned in

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88 whole or in part by the manufacturer but are brewed by another
89 manufacturer, must be obtained through a licensed distributor
90 that is not also a licensed manufacturer, a licensed broker or
91 sales agent, or a licensed importer.

92 (d) A manufacturer possessing a vendor's license under this
93 subsection is not permitted to make deliveries under s.
94 561.57(1).

95 (e) The division is authorized to issue up to eight
96 vendor's licenses to a manufacturer of malt beverages pursuant
97 to this subsection.

98 Section 3. Subsection (14) of section 561.42, Florida
99 Statutes, is amended to read:

100 561.42 Tied house evil; financial aid and assistance to
101 vendor by manufacturer, distributor, importer, primary American
102 source of supply, brand owner or registrant, or any broker,
103 sales agent, or sales person thereof, prohibited; procedure for
104 enforcement; exception.—

105 (14) The division shall adopt reasonable rules governing
106 promotional displays and advertising, which rules shall not
107 conflict with or be more stringent than the federal regulations
108 pertaining to such promotional displays and advertising
109 furnished to vendors by distributors, manufacturers, importers,
110 primary American sources of supply, or brand owners or
111 registrants, or any ~~broker,~~ sales agent, or sales person
112 thereof; however:

113 (a) If a manufacturer, distributor, importer, brand owner,
114 or brand registrant of malt beverage, or any ~~broker,~~ sales
115 agent, or sales person thereof, provides a vendor with
116 expendable retailer advertising specialties such as trays,

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117 coasters, mats, menu cards, napkins, cups, glasses,
118 thermometers, and the like, such items may ~~shall~~ be sold only at
119 a price not less than the actual cost to the industry member who
120 initially purchased them, without limitation in total dollar
121 value of such items sold to a vendor.

122 (b) Without limitation in total dollar value of such items
123 provided to a vendor, a manufacturer, distributor, importer,
124 brand owner, or brand registrant of malt beverage, or any
125 ~~broker,~~ sales agent, or sales person thereof, may rent, loan
126 without charge for an indefinite duration, or sell durable
127 retailer advertising specialties such as clocks, pool table
128 lights, and the like, which bear advertising matter.

129 (c) If a manufacturer, distributor, importer, brand owner,
130 or brand registrant of malt beverage, or any ~~broker,~~ sales
131 agent, or sales person thereof, provides a vendor with consumer
132 advertising specialties such as ashtrays, T-shirts, bottle
133 openers, shopping bags, and the like, such items may ~~shall~~ be
134 sold only at a price not less than the actual cost to the
135 industry member who initially purchased them, and ~~but~~ may be
136 sold without limitation in total value of such items sold to a
137 vendor.

138 (d) A manufacturer, distributor, importer, brand owner, or
139 brand registrant of malt beverage, or any ~~broker,~~ sales agent,
140 or sales person thereof, may provide consumer advertising
141 specialties described in paragraph (c) to consumers on any
142 vendor's licensed premises.

143 ~~(e) Manufacturers, distributors, importers, brand owners,~~
144 ~~or brand registrants of beer, and any broker, sales agent, or~~
145 ~~sales person thereof, shall not conduct any sampling activities~~

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146 ~~that include tasting of their product at a vendor's premises~~
147 ~~licensed for off-premises sales only.~~

148 ~~(e)(f)~~ A manufacturer ~~Manufacturers,~~ distributor
149 ~~distributors,~~ importer ~~importers,~~ brand owner ~~owners,~~ or brand
150 registrant ~~registrants~~ of malt beverages ~~beer,~~ and any ~~broker,~~
151 sales agent, or sales person thereof or contracted third-party,
152 may shall not engage in cooperative advertising with a vendor
153 and may not name a vendor in any advertising for a malt beverage
154 tasting authorized under s. 563.09 ~~vendors.~~

155 ~~(f)(g)~~ A distributor ~~Distributors~~ of malt beverages ~~beer~~
156 may sell to a vendor ~~vendors~~ draft equipment and tapping
157 accessories at a price not less than the cost to the industry
158 member who initially purchased them, except there is no required
159 charge, and the ~~a~~ distributor may exchange any parts that ~~which~~
160 are not compatible with a competitor's system and are necessary
161 to dispense the distributor's brands. A distributor of malt
162 beverages ~~beer~~ may furnish to a vendor at no charge replacement
163 parts of nominal intrinsic value, including, but not limited to,
164 washers, gaskets, tail pieces, hoses, hose connections, clamps,
165 plungers, and tap markers.

166 Section 4. Subsection (1) of section 561.5101, Florida
167 Statutes, is amended to read:

168 561.5101 Come-to-rest requirement; exceptions; penalties.—

169 (1) For purposes of inspection and tax-revenue control, all
170 malt beverages, except those manufactured and sold by the same
171 licensee, pursuant to s. 561.221(2) or (3) ~~s. 561.221(3),~~ must
172 come to rest at the licensed premises of an alcoholic beverage
173 wholesaler in this state before being sold to a vendor by the
174 wholesaler. The prohibition contained in this subsection does

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175 not apply to the shipment of malt beverages commonly known as
176 private labels. The prohibition contained in this subsection
177 shall not prevent a manufacturer from shipping malt beverages
178 for storage at a bonded warehouse facility, provided that such
179 malt beverages are distributed as provided in this subsection or
180 to an out-of-state entity.

181 Section 5. Subsections (3), (4), (5), and (6) of section
182 561.57, Florida Statutes, are amended to read:

183 561.57 Deliveries by licensees.—

184 (3) A licensed vendor may transport alcoholic beverage
185 purchases from a distributor's place of business to the vendor's
186 licensed premises or off-premises storage, if the vehicle used
187 to transport the alcoholic beverages is owned or leased by the
188 vendor or any person who has been disclosed on a license
189 application filed by the vendor and approved by the division ~~and~~
190 ~~a valid vehicle permit has been issued for such vehicle.~~ A
191 vehicle owned or leased by a person disclosed on a license
192 application filed by the vendor and approved by the division
193 under this subsection must be operated by such person when
194 transporting alcoholic beverage purchases from a distributor's
195 place of business to the vendor's licensed premises or off-
196 premises storage.

197 ~~(4) A vehicle permit may be obtained by a licensed vendor~~
198 ~~or any person authorized in subsection (3) upon application and~~
199 ~~payment of a fee of \$5 per vehicle to the division. The~~
200 ~~signature of the person authorized in subsection (3) must be~~
201 ~~included on the vehicle permit application. Such permit remains~~
202 ~~valid and does not expire unless the vendor or any person~~
203 ~~authorized in subsection (3) disposes of his or her vehicle, or~~

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204 ~~the vendor's alcoholic beverage license is transferred,~~
205 ~~canceled, not renewed, or is revoked by the division, whichever~~
206 ~~occurs first. The division shall cancel a vehicle permit issued~~
207 ~~to a vendor upon request from the vendor. The division shall~~
208 ~~cancel a vehicle permit issued to any person authorized in~~
209 ~~subsection (3) upon request from that person or the vendor. By~~
210 ~~acceptance of a vehicle permit, the vendor or any person~~
211 ~~authorized in subsection (3) agrees that such vehicle is always~~
212 ~~subject to inspection and search without a search warrant, for~~
213 ~~the purpose of ascertaining that all provisions of the alcoholic~~
214 ~~beverage laws are complied with, by authorized employees of the~~
215 ~~division and also by sheriffs, deputy sheriffs, and police~~
216 ~~officers during business hours or other times that the vehicle~~
217 ~~is being used to transport or deliver alcoholic beverages. A~~
218 ~~vehicle permit issued under this subsection and invoices or~~
219 ~~sales tickets for alcoholic beverages purchased and transported~~
220 ~~must be carried in the vehicle used by the vendor or any person~~
221 ~~authorized in subsection (3) when the vendor's alcoholic~~
222 ~~beverages are being transported or delivered.~~

223 (4) ~~(5)~~ Nothing contained in this section shall prohibit
224 deliveries by the licensee from his or her permitted storage
225 area or deliveries by a distributor from the manufacturer to his
226 or her licensed premises; nor shall a pool buying agent be
227 prohibited from transporting pool purchases to the licensed
228 premises of his or her members with the licensee's owned or
229 leased vehicles, and in such cases, ~~no vehicle permit shall be~~
230 ~~required in the transporting of such alcoholic beverages.~~ In
231 addition, a licensed salesperson of wine and spirits is
232 authorized to deliver alcoholic beverages in his or her vehicle

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233 on behalf of the distributor ~~without having to obtain a vehicle~~
234 ~~permit.~~

235 (5)~~(6)~~ Common carriers may ~~are not required to have vehicle~~
236 ~~permits to~~ transport alcoholic beverages.

237 Section 6. Subsections (2), (3), (4), and (5) of section
238 562.07, Florida Statutes, are amended to read:

239 562.07 Illegal transportation of beverages.—It is unlawful
240 for alcoholic beverages to be transported in quantities of more
241 than 12 bottles except as follows:

242 (2) In the owned or leased vehicles of licensed vendors or
243 any persons authorized in s. 561.57(3) transporting alcoholic
244 beverage purchases from the distributor's place of business to
245 the vendor's licensed place of business or off-premises storage
246 ~~and to which said vehicles are carrying a permit and invoices or~~
247 ~~sales tickets~~ for alcoholic beverages purchased and transported
248 as provided for in the alcoholic beverage law;

249 (3) By individuals who possess such beverages not for
250 resale within the state;

251 (4) By licensed manufacturers, distributors, or vendors
252 transporting ~~delivering~~ alcoholic beverages pursuant to s.
253 561.57 ~~away from their place of business in vehicles which are~~
254 ~~owned or leased by such licensees; and~~

255 (5) By a vendor, distributor, pool buying agent, or
256 salesperson of wine and spirits as outlined in s. 561.57(4) ~~s.~~
257 ~~561.57(5).~~

258 Section 7. Subsection (6) of section 562.34, Florida
259 Statutes, is created to read:

260 562.34 Containers; seizure and forfeiture.—

261 (6) Notwithstanding the provisions of this section, it

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262 shall not be unlawful for any person to have in her or his
263 possession, custody, or control a growler as described in s.
264 563.06(7), either full or empty, or to transport such growler.

265 Section 8. Subsections (1) and (6) of section 563.06,
266 Florida Statutes, are amended, present subsection (7) is
267 redesignated as subsection (8), and a new subsection (7) is
268 added to that section, to read:

269 563.06 Malt beverages; imprint on individual container;
270 size of containers; exemptions.—

271 (1) ~~On and after October 1, 1959,~~ All taxable malt
272 beverages packaged in individual containers possessed by any
273 person in the state for the purpose of sale or resale in the
274 state, except operators of railroads, sleeping cars, steamships,
275 buses, and airplanes engaged in interstate commerce and licensed
276 under this section, shall have imprinted thereon in clearly
277 legible fashion by any permanent method the word "Florida" or
278 "FL" and no other state name or abbreviation of any state name
279 in not less than 8-point type. The word "Florida" or "FL" shall
280 appear first or last, if imprinted in conjunction with any
281 manufacturer's code. A facsimile of the imprinting and its
282 location as it will appear on the individual container shall be
283 submitted to the division for approval.

284 (6) With the exception of growlers as described in
285 subsection (7), all malt beverages packaged in individual
286 containers sold or offered for sale by vendors at retail in this
287 state shall be in individual containers containing no more than
288 32 ounces of such malt beverages; ~~provided, however, that~~
289 nothing contained in this section shall affect malt beverages
290 packaged in bulk, ~~or~~ in kegs, or in barrels or in any individual

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291 container containing 1 gallon or more of such malt beverage
292 regardless of individual container type.

293 (7) Notwithstanding any other provision of the Beverage
294 Law, a malt beverage may be packaged in a growler, which is an
295 individual container that holds 32, 64, or 128 ounces of such
296 malt beverage if it is filled at the point of sale.

297 (a) A growler may be filled or refilled by any of the
298 following:

299 1. A licensed manufacturer of malt beverages holding a
300 vendor's license under s. 561.221(2).

301 2. A vendor holding a quota license under s. 561.20(1) or
302 s. 565.02(1)(a) that authorizes the sale of malt beverages.

303 3. A vendor holding a license under s. 563.02(1)(b)-(f), s.
304 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
305 restricts the sale of malt beverages to sale for consumption
306 only on the premises of such vendor.

307 (b) A growler must include an imprint or label that
308 provides information specifying the name of the manufacturer,
309 the brand, and the anticipated percentage of alcohol by volume
310 of the malt beverage. The container must have an unbroken seal
311 or be incapable of being immediately consumed.

312 (c) A licensee authorized to fill or refill growlers may
313 not use growlers for the purposes of distribution or sale
314 outside of the licensed manufacturing premises or licensed
315 vendor premises.

316 (d) A person, firm, or corporation, including its agents,
317 officers, or employees, which violates this subsection commits a
318 misdemeanor of the first degree, punishable as provided in s.
319 775.082 or s. 775.083, and the license held by the person, firm,

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320 or corporation, if any, is subject to revocation or suspension
321 by the division. A person, firm, or corporation, including its
322 agents, officers, or employees, which violates paragraph (b),
323 may be subject to a fine by the division of up to \$250.

324 Section 9. Section 563.09, Florida Statutes, is created to
325 read:

326 563.09 Malt beverage tastings by distributors and
327 manufacturers.—

328 (1) A manufacturer, distributor, or importer of malt
329 beverages, or any contracted third-party agent thereof, may
330 conduct sampling activities that include the tasting of malt
331 beverage products on:

332 (a) The licensed premises of a vendor authorized to sell
333 alcoholic beverages by the drink for consumption on premises; or

334 (b) The licensed premises of a vendor authorized to sell
335 alcoholic beverages only in sealed containers for consumption
336 off premises if:

337 1. The licensed premises is at an establishment with at
338 least 10,000 square feet of interior floor space exclusive of
339 storage space not open to the general public; or

340 2. The licensed premises is a package store licensed under
341 s. 565.02(1)(a).

342 (2) A malt beverage tasting conducted under this section
343 must be limited to and directed toward the general public of the
344 age of legal consumption.

345 (3) For a malt beverage tasting conducted under this
346 section on the licensed premises of a vendor authorized to sell
347 alcoholic beverages for consumption on premises, each serving of
348 a malt beverage to be tasted must be provided to the consumer by

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349 the drink in a tasting cup, glass, or other open container and
350 may not be provided by the package in an unopened can or bottle
351 or in any other sealed container.

352 (4) For a malt beverage tasting conducted under this
353 section on the licensed premises of a vendor authorized to sell
354 alcoholic beverages only in sealed containers for consumption
355 off premises, the tasting must be conducted in the interior of
356 the building constituting the vendor's licensed premises and
357 each serving of a malt beverage to be tasted must be provided to
358 the consumer in a tasting cup having a capacity of 3.5 ounces or
359 less.

360 (5) A manufacturer, distributor, or importer, or any
361 contracted third-party agent thereof, may not pay a vendor, and
362 a vendor may not accept, a fee or compensation of any kind,
363 including the provision of a malt beverage at no cost or at a
364 reduced cost, to authorize the conduct of a malt beverage
365 tasting under this section.

366 (6) (a) A manufacturer, distributor, or importer, or any
367 contracted third-party agent thereof, conducting a malt beverage
368 tasting under this section, must provide all of the beverages to
369 be tasted; must have paid all excise taxes on those beverages
370 which are required of the manufacturer or distributor; and must
371 return to the manufacturer's or distributor's inventory all of
372 the malt beverages provided for the tasting that remain
373 unconsumed after the tasting. More than one tasting may be held
374 on the licensed premises each day, but only one manufacturer,
375 distributor, importer, or contracted third-party agent thereof,
376 may conduct a tasting on the premises at any one time.

377 (b) This subsection does not preclude a manufacturer,

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378 distributor, or importer, or any contracted third-party agent
379 thereof, from buying the malt beverages that it provides for the
380 tasting from a vendor at no more than the retail price, but all
381 of the malt beverages so purchased and provided for the tasting
382 which remain unconsumed after the tasting must be removed from
383 the premises of the tasting and properly disposed of.

384 (7) A manufacturer, distributor, or importer of malt
385 beverages that contracts with a third-party agent to conduct a
386 malt beverage tasting under this section on its behalf is
387 responsible for any violation of this section by such agent.

388 (8) This section does not preclude a vendor from conducting
389 a malt beverage tasting on its licensed premises using malt
390 beverages from its own inventory.

391 (9) This section is supplemental to and does not supersede
392 any special act or ordinance.

393 (10) The division may, pursuant to ss. 561.08 and 561.11,
394 adopt rules to implement, administer, and enforce this section.

395 Section 10. Paragraphs (a) and (b) of subsection (1) of
396 section 565.03, Florida Statutes, are redesignated as paragraphs
397 (b) and (c), respectively, a new paragraph (a) is added to that
398 subsection, paragraph (c) of subsection (2) is amended, and
399 subsection (7) is added to that section, to read:

400 565.03 License fees; manufacturers, distributors, brokers,
401 sales agents, and importers of alcoholic beverages; vendor
402 licenses and fees; craft distilleries.—

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

404 (a) "Branded product" means any distilled spirits product
405 manufactured on site which requires a federal certificate and
406 label approval by the Federal Alcohol Administration Act or

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407 federal regulations.

408 (2)

409 (c) A craft distillery licensed under this section may sell
410 to consumers, at its souvenir gift shop, branded products
411 ~~spirits~~ distilled on its premises in this state in factory-
412 sealed containers that are filled at the distillery for off-
413 premises consumption. Such sales are authorized only on private
414 property contiguous to the licensed distillery premises in this
415 state and included on the sketch or diagram defining the
416 licensed premises submitted with the distillery's license
417 application. All sketch or diagram revisions by the distillery
418 shall require the division's approval verifying that the
419 souvenir gift shop location operated by the licensed distillery
420 is owned or leased by the distillery and on property contiguous
421 to the distillery's production building in this state.

422 1. A craft distillery ~~or licensed distillery~~ may not sell
423 any factory-sealed individual containers of spirits except in
424 face-to-face sales transactions with consumers who are making a
425 purchase of no more than:

426 a. Two individual containers of each branded product;

427 b. Three individual containers of a single branded product
428 and up to one individual container of a second branded product;

429 or

430 c. Four individual containers of a single branded product.

431 2. Each container sold in face-to-face transactions with
432 consumers must ~~two or fewer individual containers, that~~ comply
433 with the container limits in s. 565.10, per calendar year for
434 the consumer's personal use and not for resale and who are
435 present at the distillery's licensed premises in this state.

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436 ~~3.1.~~ A craft distillery must report to the division within
437 5 days after it reaches the production limitations provided in
438 paragraph (1)(b) ~~(1)(a)~~. Any retail sales to consumers at the
439 craft distillery's licensed premises are prohibited beginning
440 the day after it reaches the production limitation.

441 ~~4.2.~~ A craft distillery may not ~~only~~ ship or, ~~arrange to~~
442 ship, ~~or deliver~~ any of its distilled spirits to consumers and
443 may sell and deliver only to consumers within the state in a
444 face-to-face transaction at the distillery property. However, a
445 craft distiller licensed under this section may ship, arrange to
446 ship, or deliver such spirits to manufacturers of distilled
447 spirits, wholesale distributors of distilled spirits, state or
448 federal bonded warehouses, and exporters.

449 ~~5.3.~~ Except as provided in subparagraph ~~6.4.~~, it is
450 unlawful to transfer a distillery license for a distillery that
451 produces 75,000 or fewer gallons per calendar year of distilled
452 spirits on its premises or any ownership interest in such
453 license to an individual or entity that has a direct or indirect
454 ownership interest in any distillery licensed in this state;
455 another state, territory, or country; or by the United States
456 government to manufacture, blend, or rectify distilled spirits
457 for beverage purposes.

458 ~~6.4.~~ A craft distillery shall not have its ownership
459 affiliated with another distillery, unless such distillery
460 produces 75,000 or fewer gallons per calendar year of distilled
461 spirits on each of its premises in this state or in another
462 state, territory, or country.

463 (7) Upon the request of a craft distillery licensed in this
464 state, the Department of Transportation shall install

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465 directional signs for the craft distillery on the rights-of-way
466 of interstate highways and primary and secondary roads in
467 accordance with Florida's Highway Guide Sign Program as provided
468 in chapter 14-51, Florida Administrative Code. A craft
469 distillery licensed in this state that requests placement of a
470 directional sign through the department's permit process shall
471 pay all associated costs.

472 Section 11. This act shall take effect July 1, 2015.