

By Senator Hays

11-00723A-15

2015596__

1 A bill to be entitled
2 An act relating to craft distilleries; amending s.
3 565.03, F.S.; defining the term "branded product";
4 applying the current limitation on the number of
5 containers that may be sold to consumers by craft
6 distilleries to individual containers for each branded
7 product; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Paragraphs (a) and (b) of subsection (1) of
12 section 565.03, Florida Statutes, are redesignated as paragraphs
13 (b) and (c), respectively, a new paragraph (a) is added to that
14 subsection, and paragraph (c) of subsection (2) of that section
15 is amended, to read:

16 565.03 License fees; manufacturers, distributors, brokers,
17 sales agents, and importers of alcoholic beverages; vendor
18 licenses and fees; craft distilleries.—

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

20 (a) "Branded product" means any distilled spirits product
21 manufactured on site, which requires a federal certificate and
22 label approval by the Federal Alcohol Administration Act or
23 regulations.

24 (2)

25 (c) A craft distillery licensed under this section may sell
26 to consumers, at its souvenir gift shop, branded products
27 ~~spirits~~ distilled on its premises in this state in factory-
28 sealed containers that are filled at the distillery for off-
29 premises consumption. Such sales are authorized only on private

11-00723A-15

2015596__

property contiguous to the licensed distillery premises in this state and included on the sketch or diagram defining the licensed premises submitted with the distillery's license application. All sketch or diagram revisions by the distillery shall require the division's approval verifying that the souvenir gift shop location operated by the licensed distillery is owned or leased by the distillery and on property contiguous to the distillery's production building in this state. A craft distillery ~~or licensed distillery~~ may not sell any factory-sealed individual containers of spirits except in face-to-face sales transactions with consumers who are making a purchase of two or fewer individual containers of each branded product, that comply with the container limits in s. 565.10, per calendar year for the consumer's personal use and not for resale and who are present at the distillery's licensed premises in this state.

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

2. A craft distillery may only ship, arrange to ship, or deliver any of its distilled spirits to consumers within the state in a face-to-face transaction at the distillery property. However, a craft distiller licensed under this section may ship, arrange to ship, or deliver such spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state or federal bonded warehouses, and exporters.

3. Except as provided in subparagraph 4., it is unlawful to transfer a distillery license for a distillery that produces

11-00723A-15

2015596__

59 75,000 or fewer gallons per calendar year of distilled spirits
60 on its premises or any ownership interest in such license to an
61 individual or entity that has a direct or indirect ownership
62 interest in any distillery licensed in this state; another
63 state, territory, or country; or by the United States government
64 to manufacture, blend, or rectify distilled spirits for beverage
65 purposes.

66 4. A craft distillery shall not have its ownership
67 affiliated with another distillery, unless such distillery
68 produces 75,000 or fewer gallons per calendar year of distilled
69 spirits on its premises.

70 Section 2. This act shall take effect July 1, 2015.