

By the Committee on Regulated Industries; and Senator Hays

580-02175-15

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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 revising the current limitation on the number of
5 containers that may be sold to consumers by craft
6 distilleries; applying such limitation to individual
7 containers for each branded product; prohibiting a
8 craft distillery from shipping or arranging to ship
9 any of its distilled spirits to consumers; providing
10 an exception; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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

19 565.03 License fees; manufacturers, distributors, brokers,
20 sales agents, and importers of alcoholic beverages; vendor
21 licenses and fees; craft distilleries.-

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

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

27 (2)

28 (c) A craft distillery licensed under this section may sell
29 to consumers, at its souvenir gift shop, branded products

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30 ~~spirits~~ distilled on its premises in this state in factory-
31 sealed containers that are filled at the distillery for off-
32 premises consumption. Such sales are authorized only on private
33 property contiguous to the licensed distillery premises in this
34 state and included on the sketch or diagram defining the
35 licensed premises submitted with the distillery's license
36 application. All sketch or diagram revisions by the distillery
37 shall require the division's approval verifying that the
38 souvenir gift shop location operated by the licensed distillery
39 is owned or leased by the distillery and on property contiguous
40 to the distillery's production building in this state. A craft
41 distillery ~~or licensed distillery~~ may not sell any factory-
42 sealed individual containers of spirits except in face-to-face
43 sales transactions with consumers who are making a purchase of
44 two or fewer individual containers of each branded product, or
45 up to four individual containers, whichever is greater, that
46 comply with the container limits in s. 565.10, per calendar year
47 for the consumer's personal use and not for resale and who are
48 present at the distillery's licensed premises in this state.

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

54 2. A craft distillery may not ~~only~~ ship or, ~~or,~~ arrange to
55 ship, ~~or deliver~~ any of its distilled spirits to consumers and
56 may only sell and deliver to consumers within the state in a
57 face-to-face transaction at the distillery property. However, a
58 craft distiller licensed under this section may ship, arrange to

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59 ship, or deliver such spirits to manufacturers of distilled
60 spirits, wholesale distributors of distilled spirits, state or
61 federal bonded warehouses, and exporters.

62 3. Except as provided in subparagraph 4., it is unlawful to
63 transfer a distillery license for a distillery that produces
64 75,000 or fewer gallons per calendar year of distilled spirits
65 on its premises or any ownership interest in such license to an
66 individual or entity that has a direct or indirect ownership
67 interest in any distillery licensed in this state; another
68 state, territory, or country; or by the United States government
69 to manufacture, blend, or rectify distilled spirits for beverage
70 purposes.

71 4. A craft distillery shall not have its ownership
72 affiliated with another distillery, unless such distillery
73 produces 75,000 or fewer gallons per calendar year of distilled
74 spirits on each of its premises in this state or in another
75 state, territory, or country.

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