

1 A bill to be entitled
 2 An act relating to craft breweries; amending s.
 3 561.221, F.S.; exempting certain vendors from
 4 specified delivery restrictions under certain
 5 circumstances; amending s. 561.5101, F.S.; revising
 6 applicability; amending s. 561.57, F.S.; providing
 7 that certain manufacturers may transport malt
 8 beverages in vehicles owned or leased by certain
 9 persons other than the manufacturer; amending s.
 10 563.022, F.S.; conforming a provision to changes made
 11 by the act; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (d) of subsection (2) and paragraph
 16 (a) of subsection (3) of section 561.221, Florida Statutes, are
 17 amended, and paragraph (f) is added to subsection (2) of that
 18 section to read:

19 561.221 Licensing of manufacturers and distributors as
 20 vendors and of vendors as manufacturers; conditions and
 21 limitations.—

22 (2)

23 (d) A manufacturer possessing a vendor's license under
 24 this subsection is not permitted to make deliveries under s.
 25 561.57(1), except as provided in paragraph (f).

26 (f) Notwithstanding any other provision of the Beverage
 27 Law, a manufacturer possessing a vendor's license under this
 28 subsection may sell, transport, and deliver to vendors, from the
 29 manufacturer's licensed premises, malt beverages that have been
 30 manufactured on its licensed premises, if the manufacturer
 31 complies with the requirements in ss. 561.42 and 561.423, as
 32 applicable, to the same extent as if the manufacturer were a
 33 distributor.

34 1. The authority provided in this section is limited to
 35 the sale, transport, and delivery of kegs.

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

38 3. This paragraph does not apply to a manufacturer who:

39 a. Has a franchise agreement with a distributor pursuant
 40 to s. 563.022.

41 b. Produces more than 7,000 kegs of malt beverages a year.

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

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

50 2. The malt beverages so brewed will be sold to consumers

51 for consumption on the vendor's licensed premises or on
 52 contiguous licensed premises owned by the vendor.

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

55 561.5101 Come-to-rest requirement; exceptions; penalties.—

56 (1) For purposes of inspection and tax-revenue control,
 57 all malt beverages, except those manufactured and sold by the
 58 same licensee, pursuant to s. 561.221(2) or (3), must come to
 59 rest at the licensed premises of an alcoholic beverage
 60 wholesaler in this state before being sold to a vendor by the
 61 wholesaler. The prohibition contained in this subsection does
 62 not apply to the shipment of malt beverages commonly known as
 63 private labels. The prohibition contained in this subsection
 64 shall not prevent a manufacturer from shipping malt beverages
 65 for storage at a bonded warehouse facility, provided that such
 66 malt beverages are distributed as provided in this subsection or
 67 to an out-of-state entity. The prohibition contained in this
 68 subsection does not apply to a manufacturer delivering alcoholic
 69 beverages to a licensed vendor as provided in s. 561.221(2)(f).

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

72 561.57 Deliveries by licensees.—

73 (2) Deliveries made by a manufacturer, distributor, or
 74 vendor away from his or her place of business may be made only
 75 in vehicles that ~~which~~ are owned or leased by the licensee.

76 However, a manufacturer authorized to make deliveries under s.
77 561.221(2)(f) to the licensed premises of a vendor may transport
78 malt beverages if the vehicle used to transport the alcoholic
79 beverages is owned or leased by the manufacturer or any person
80 who has been disclosed on a license application filed by the
81 manufacturer and approved by the division. By acceptance of an
82 alcoholic beverage license and the use of such vehicles, the
83 licensee agrees that such vehicle shall always be subject to be
84 inspected and searched without a search warrant, for the purpose
85 of ascertaining that all provisions of the alcoholic beverage
86 laws are complied with, by authorized employees of the division
87 and also by sheriffs, deputy sheriffs, and police officers
88 during business hours or other times the vehicle is being used
89 to transport or deliver alcoholic beverages.

90 Section 4. Paragraph (d) of subsection (14) of section
91 563.022, Florida Statutes, is amended to read:

92 563.022 Relations between beer distributors and
93 manufacturers.—

94 (14) MANUFACTURER; PROHIBITED INTERESTS.—

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

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