

By the Committees on Regulated Industries; Commerce and Tourism;
and Regulated Industries; and Senator Brandes

580-02409B-18

2018296c3

1 A bill to be entitled
2 An act relating to the Beverage Law; repealing s.
3 564.05, F.S., relating to limitations on the size of
4 individual wine containers; repealing s. 564.055,
5 F.S., relating to limitations on the size of
6 individual cider containers; amending s. 564.09, F.S.;
7 revising provisions authorizing a restaurant to allow
8 a patron to remove bottles of wine from a restaurant
9 for off-premises consumption; amending s. 565.03,
10 F.S.; redefining the terms "branded product" and
11 "craft distillery"; providing limitations on retail
12 sales by a craft distillery to consumers; deleting a
13 provision that prohibits a craft distillery from
14 selling more than six individual containers of a
15 branded product to a consumer; providing that it is
16 unlawful to transfer a distillery license, or
17 ownership in a distillery license, for certain
18 distilleries to certain individuals or entities;
19 prohibiting a craft distillery from having its
20 ownership affiliated with certain other distilleries;
21 authorizing a craft distillery to transfer distilled
22 spirits from certain locations to its souvenir gift
23 shop; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 564.05, Florida Statutes, is repealed.
28 Section 2. Section 564.055, Florida Statutes, is repealed.
29 Section 3. Section 564.09, Florida Statutes, is amended to

580-02409B-18

2018296c3

30 read:

31 564.09 Restaurants; off-premises consumption of wine.-
32 Notwithstanding any other provision of law, a restaurant
33 licensed to sell wine on the premises may permit a patron to
34 remove one unsealed bottle of wine for consumption off the
35 premises if the patron has purchased a ~~full-course~~ meal
36 ~~consisting of a salad or vegetable, entree, a beverage, and~~
37 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
38 ~~meal~~ on the restaurant premises. A partially consumed bottle of
39 wine that is to be removed from the premises must be securely
40 resealed by the licensee or its employees before removal from
41 the premises. The partially consumed bottle of wine shall be
42 placed in a bag or other container that is secured in such a
43 manner that it is visibly apparent if the container has been
44 subsequently opened or tampered with, and a dated receipt for
45 the bottle of wine and ~~full-course~~ meal shall be provided by the
46 licensee and attached to the container. If transported in a
47 motor vehicle, the container with the resealed bottle of wine
48 must be placed in a locked glove compartment, a locked trunk, or
49 the area behind the last upright seat of a motor vehicle that is
50 not equipped with a trunk.

51 Section 4. Paragraphs(a) and (b) of subsection (1) and
52 paragraph (c) of subsection (2) of section 565.03, Florida
53 Statutes, are amended to read:

54 565.03 License fees; manufacturers, distributors, brokers,
55 sales agents, and importers of alcoholic beverages; vendor
56 licenses and fees; distilleries and craft distilleries.-

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

58 (a) "Branded product" means any distilled spirits product

580-02409B-18

2018296c3

59 manufactured on site, or manufactured on site and blended on
60 site with other distilled spirits, which requires a federal
61 certificate and label approval by the Federal Alcohol
62 Administration Act or federal regulations.

63 (b) "Craft distillery" means a licensed distillery that
64 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
65 distilled spirits on its premises and is designated as a craft
66 distillery by ~~has notified~~ the division upon notification in
67 writing of its decision to qualify as a craft distillery.

68 (2)

69 (c) A craft distillery licensed under this section may sell
70 to consumers, at its souvenir gift shop, up to 75,000 gallons
71 per calendar year of branded products ~~distilled on its premises~~
72 ~~in this state~~ in factory-sealed containers that are filled at
73 the distillery for off-premises consumption. Such sales are
74 authorized only on private property contiguous to the licensed
75 distillery premises in this state and included on the sketch or
76 diagram defining the licensed premises submitted with the
77 distillery's license application. All sketch or diagram
78 revisions by the distillery shall require the division's
79 approval verifying that the souvenir gift shop location operated
80 by the licensed distillery is owned or leased by the distillery
81 and on property contiguous to the distillery's production
82 building in this state.

83 1. A craft distillery may not sell any factory-sealed
84 individual containers of spirits except in face-to-face sales
85 transactions with consumers ~~who are making a purchase of no more~~
86 ~~than six individual containers of each branded product.~~

87 2. Each container sold in face-to-face transactions with

580-02409B-18

2018296c3

88 consumers must comply with the container limits in s. 565.10,
89 per calendar year for the consumer's personal use and not for
90 resale and who are present at the distillery's licensed premises
91 in this state.

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

97 4. A craft distillery may not ship or arrange to ship any
98 of its distilled spirits to consumers and may sell and deliver
99 only to consumers within the state in a face-to-face transaction
100 at the distillery property. However, a craft distiller licensed
101 under this section may ship, arrange to ship, or deliver such
102 spirits to manufacturers of distilled spirits, wholesale
103 distributors of distilled spirits, state or federal bonded
104 warehouses, and exporters.

105 5. Except as provided in subparagraph 6., it is unlawful to
106 transfer a distillery license for a distillery that produces
107 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled
108 spirits on its premises or any ownership interest in such
109 license to an individual or entity that has a direct or indirect
110 ownership interest in any distillery licensed in this state;
111 another state, territory, or country; or by the United States
112 government to manufacture, blend, or rectify distilled spirits
113 for beverage purposes.

114 6. A craft distillery shall not have its ownership
115 affiliated with another distillery, unless such distillery
116 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of

580-02409B-18

2018296c3

117 distilled spirits on each of its premises in this state or in
118 another state, territory, or country.

119 7. A craft distillery may transfer up to 75,000 gallons per
120 calendar year of distilled spirits it manufactures from its
121 federal bonded space, nonbonded space at its licensed premises,
122 or storage areas to its souvenir gift shop.

123 Section 5. This act shall take effect July 1, 2018.