

By the Committee on Commerce and Tourism; and Senators Brandes and Stewart

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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 that authorize a restaurant to  
8           allow patrons to remove partially consumed bottles of  
9           wine from a restaurant for off-premises consumption;  
10          amending s. 565.03, F.S.; redefining the terms  
11          "branded product" and "craft distillery"; revising the  
12          requirements for the sale of branded products by a  
13          licensed craft distillery to consumers; deleting a  
14          provision that prohibits a craft distillery from  
15          selling more than six individual containers of a  
16          branded product to a consumer; revising requirements  
17          relating to the shipping of distilled spirits to  
18          consumers by a craft distillery; providing that it is  
19          unlawful to transfer a distillery license, or  
20          ownership in a distillery license, for certain  
21          distilleries to certain individuals or entities;  
22          prohibiting a craft distillery from having its  
23          ownership affiliated with certain other distilleries;  
24          authorizing a craft distillery to transfer specified  
25          distilled spirits from certain locations to its  
26          souvenir gift shop; requiring a craft distillery  
27          making certain transfers of distilled spirits to  
28          submit certain excise taxes with its monthly report to  
29          the Division of Alcoholic Beverages and Tobacco of the

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30 Department of Business and Professional Regulation;  
31 amending s. 561.221, F.S.; authorizing the division to  
32 issue vendor's licenses to certain distilleries for  
33 the sale of alcoholic beverages on the licensed  
34 premises, on a seaport facility's licensed premises,  
35 or at an airport terminal; requiring that the licensed  
36 vendor premises be included on certain sketches and  
37 diagrams under certain circumstances; requiring that  
38 all revisions to a sketch or diagram be approved by  
39 the division; capping the number of vendor's licenses  
40 the division is authorized to issue to a distillery;  
41 requiring the division to issue permits to  
42 distilleries for conducting tastings and sales at  
43 certain events; requiring distilleries to pay entry  
44 fees and to have a representative present at such  
45 events; providing an effective date.

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

48  
49 Section 1. Section 564.05, Florida Statutes, is repealed.

50 Section 2. Section 564.055, Florida Statutes, is repealed.

51 Section 3. Section 564.09, Florida Statutes, is amended to  
52 read:

53 564.09 Restaurants; off-premises consumption of wine.—  
54 Notwithstanding any other provision of law, a restaurant  
55 licensed to sell wine on the premises may permit a patron to  
56 remove one unsealed bottle of wine for consumption off the  
57 premises if the patron has purchased a ~~full-course~~ meal  
58 ~~consisting of a salad or vegetable, entree, a beverage, and~~

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59 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~  
60 ~~meal~~ on the restaurant premises. A partially consumed bottle of  
61 wine that is to be removed from the premises must be securely  
62 resealed by the licensee or its employees before removal from  
63 the premises. The partially consumed bottle of wine shall be  
64 placed in a bag or other container that is secured in such a  
65 manner that it is visibly apparent if the container has been  
66 subsequently opened or tampered with, and a dated receipt for  
67 the bottle of wine and ~~full-course~~ meal shall be provided by the  
68 licensee and attached to the container. If transported in a  
69 motor vehicle, the container with the resealed bottle of wine  
70 must be placed in a locked glove compartment, a locked trunk, or  
71 the area behind the last upright seat of a motor vehicle that is  
72 not equipped with a trunk.

73 Section 4. Paragraphs (a) and (b) of subsection (1),  
74 paragraphs (b) and (c) of subsection (2), and subsection (5) of  
75 section 565.03, Florida Statutes, are amended to read:

76 565.03 License fees; manufacturers, distributors, brokers,  
77 sales agents, and importers of alcoholic beverages; vendor  
78 licenses and fees; distilleries and craft distilleries.—

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

80 (a) "Branded product" means any distilled spirits product  
81 manufactured on site, or manufactured on site and blended on  
82 site with other distilled spirits, which requires a federal  
83 certificate and label approval by the Federal Alcohol  
84 Administration Act or federal regulations.

85 (b) "Craft distillery" means a licensed distillery that  
86 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
87 distilled spirits on its premises and is designated as a craft

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88 ~~distillery by has notified~~ the division upon notification in  
89 writing of its decision to qualify as a craft distillery.

90 (2)

91 (b) A licensed distillery or craft distillery may ~~Persons~~  
92 ~~licensed under this section who are in the business of~~  
93 ~~distilling spirituous liquors may also~~ engage in the business of  
94 rectifying and blending spirituous liquors without the payment  
95 of an additional license tax.

96 (c) A craft distillery licensed under this section which is  
97 not licensed as a vendor under s. 561.221 may sell to consumers  
98 under its craft distillery license, at its souvenir gift shop,  
99 up to 75,000 gallons per calendar year of branded products  
100 ~~distilled on its premises in this state~~ in factory-sealed  
101 containers that are filled at the distillery for off-premises  
102 consumption by consumers. Such sales are authorized only on  
103 ~~private~~ property owned or leased by the craft distillery which  
104 is contiguous to the craft distillery's licensed ~~distillery~~  
105 premises approved by the division ~~in this state and included on~~  
106 ~~the sketch or diagram defining the licensed premises submitted~~  
107 ~~with the distillery's license application. All sketch or diagram~~  
108 ~~revisions by the distillery shall require the division's~~  
109 ~~approval verifying that the souvenir gift shop location operated~~  
110 ~~by the licensed distillery is owned or leased by the distillery~~  
111 ~~and on property contiguous to the distillery's production~~  
112 ~~building in this state.~~

113 1. A craft distillery may not sell under its craft  
114 distillery license any factory-sealed individual containers of  
115 spirits to consumers in this state except in face-to-face sales  
116 transactions with such consumers at the craft distillery's

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117 licensed premises. Such containers must be in compliance with  
118 the container limits in s. 565.10 ~~who are making a purchase of~~  
119 ~~no more than six individual containers of each branded product.~~

120 ~~2. Each container sold in face-to-face transactions with~~  
121 ~~consumers must comply with the container limits in s. 565.10,~~  
122 ~~per calendar year for the consumer's personal use and not for~~  
123 ~~resale and who are present at the distillery's licensed premises~~  
124 ~~in this state.~~

125 ~~2.3.~~ A craft distillery must report to the division within  
126 5 days after it reaches the production limitations provided in  
127 paragraph (1)(b). Any retail sales to consumers under its craft  
128 distillery license at the craft distillery's licensed premises  
129 are prohibited beginning the day after it reaches the production  
130 limitation.

131 ~~3.4.~~ A craft distillery that has not been issued a vendor's  
132 license under s. 561.221 may not ship or arrange to ship any of  
133 its distilled spirits to consumers in this state and may sell  
134 and deliver only to consumers within the state in a face-to-face  
135 transaction at the distillery property. However, a craft  
136 distillery distiller licensed under this section may ship,  
137 arrange to ship, or deliver such spirits to manufacturers of  
138 distilled spirits, wholesale distributors of distilled spirits,  
139 state or federal bonded warehouses, ~~and~~ exporters, or consumers  
140 located outside of this state; however, all such shipments must  
141 comply with the laws where such products are scheduled to be  
142 delivered for personal or commercial use.

143 ~~4.5.~~ Except as provided in subparagraph 6., it is unlawful  
144 to transfer a distillery license for a distillery that produces  
145 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled

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146 spirits on its premises or any ownership interest in such  
147 license to an individual or entity that has a direct or indirect  
148 ownership interest in any distillery licensed in this state;  
149 another state, territory, or country; or by the United States  
150 government to manufacture, blend, or rectify distilled spirits  
151 for beverage purposes.

152 ~~5.6.~~ A craft distillery shall not have its ownership  
153 affiliated with another distillery, unless such distillery  
154 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
155 distilled spirits on each of its premises in this state or in  
156 another state, territory, or country.

157 6. A craft distillery may transfer up to 75,000 gallons per  
158 calendar year of distilled spirits that it manufactures from its  
159 federal bonded space, nonbonded space at its licensed premises,  
160 or storage areas to its souvenir gift shop.

161 (5) A craft distillery may transfer distilled spirits to  
162 any of its retail areas pursuant to paragraph (2)(c) or s.  
163 561.221 and ~~making sales under paragraph (2)(e)~~ is responsible  
164 for submitting any excise taxes due to the state on distilled  
165 spirits on beverages under the Beverage Law with ~~in~~ its monthly  
166 report to the division ~~with any tax payments due to the state.~~

167 Section 5. Subsection (4) is added to section 561.221,  
168 Florida Statutes, to read:

169 561.221 Licensing of manufacturers and distributors as  
170 vendors and of vendors as manufacturers; conditions and  
171 limitations.—

172 (4) (a) Notwithstanding s. 561.22, s. 561.42, or any other  
173 provision of the Beverage Law, the division may issue vendor's  
174 licenses for the sale of alcoholic beverages:

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- 175       1. On a distillery's licensed premises;  
176       2. On a seaport facility's premises; or  
177       3. At an airport terminal, as defined in s. 561.01(13),  
178

179 to a distillery licensed under s. 565.03, even if such  
180 distillery is also licensed as a distributor.

181       (b) If the vendor's license is for the sale of alcoholic  
182 beverages on a distillery's licensed premises, the licensed  
183 vendor premises must be included on the sketch or diagram  
184 defining the licensed premises submitted with the distillery's  
185 license application pursuant to s. 565.03(c). All sketch or  
186 diagram revisions by the distillery must be approved by the  
187 division, verifying that the vendor premises operated by the  
188 licensed distillery is owned or leased by the distillery and is  
189 located on the licensed distillery premises.

190       (c) The division may issue up to eight vendor's licenses to  
191 a distillery pursuant to this subsection.

192       (d) The division shall, upon request, issue permits to a  
193 distillery to conduct tasting and sales of distilled spirits  
194 produced by the distillery at fairs, trade shows, expositions,  
195 and festivals in this state. The distillery shall pay all entry  
196 fees and shall have a representative of the craft distillery  
197 present during the event. The permit is limited to the length of  
198 the event.

199       Section 6. This act shall take effect July 1, 2019.