

1 A bill to be entitled
2 An act relating the Beverage Law; amending s. 561.221,
3 F.S.; authorizing the division to issue vendor's
4 licenses to certain craft distilleries for the sale of
5 alcoholic beverages on the distillery's licensed
6 premises; requiring that the licensed vendor premises
7 be included on certain sketches and diagrams under
8 certain circumstances; requiring that all revisions to
9 sketches or diagrams be approved by the division;
10 requiring the division to issue permits to craft
11 distilleries for conducting tastings and sales at
12 certain events; requiring craft distilleries to pay
13 entry fees for such events and have a representative
14 of the distillery present at each event; amending s.
15 561.24, F.S.; authorizing a craft distillery to be
16 licensed as a distributor under certain circumstances;
17 creating s. 562.65, F.S.; providing definitions;
18 authorizing certain licensed vendors of alcoholic
19 beverages to allow dogs in certain designated areas on
20 licensed premises; providing requirements; providing
21 for liability; authorizing the Division of Alcoholic
22 Beverages and Tobacco of the Department of Business
23 and Professional Regulation to adopt rules; repealing
24 ss. 564.05 and 564.055, F.S., relating to limitations
25 on the size of individual wine containers and

26 individual cider containers; amending s. 564.09, F.S.;
27 revising provisions that authorize a restaurant to
28 allow patrons to remove partially consumed bottles of
29 wine from the restaurant for off-premises consumption;
30 amending s. 565.03, F.S.; redefining the terms
31 "branded product" and "craft distillery"; revising the
32 requirements for the sale of branded products by a
33 licensed craft distillery to consumers; deleting a
34 provision that prohibits a craft distillery from
35 selling more than six individual containers of a
36 branded product to a consumer; revising requirements
37 relating to the shipping of distilled spirits to
38 consumers by a craft distillery; deleting requirements
39 relating to the transfer of certain distillery
40 licenses and ownership therein; deleting a prohibition
41 against certain affiliations; authorizing a craft
42 distillery to transfer specified quantities of
43 specified distilled spirits from certain locations to
44 its souvenir gift shop; requiring a craft distillery
45 making such transfers to submit certain excise taxes
46 with its monthly report to the Division of Alcoholic
47 Beverages and Tobacco of the Department of Business
48 and Professional Regulation; amending s. 565.17, F.S.;
49 authorizing a craft distillery to conduct spirituous
50 beverage tastings on specified licensed premises under

51 certain circumstances; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Subsection (4) is added to section 561.221,
56 Florida Statutes, to read:

57 561.221 Licensing of manufacturers and distributors as
58 vendors and of vendors as manufacturers; conditions and
59 limitations.—

60 (4) (a) Notwithstanding s. 561.22, s. 561.42, or any other
61 provision of the Beverage Law, the division may issue up to
62 three vendor's licenses to a craft distillery licensed under s.
63 565.03, even if such distillery is also licensed as a
64 distributor, for the sale of alcoholic beverages on a craft
65 distillery's licensed premises.

66 (b) If a vendor's license is for the sale of alcoholic
67 beverages on a craft distillery's licensed premises, the
68 licensed vendor premises must be included on the sketch or
69 diagram defining the licensed premises submitted with the
70 distillery's license application. All sketch or diagram
71 revisions by the craft distillery must be approved by the
72 division and must verify that the vendor premises operated by
73 the licensed distillery is owned or leased by the craft
74 distillery and is located on the licensed distillery premises.

75 (c) The division shall, upon request, issue permits to a

76 craft distillery to conduct tastings and sales of distilled
 77 spirits produced by the distillery at fairs, trade shows,
 78 expositions, and festivals in this state. The craft distillery
 79 shall pay all entry fees for such events and shall have a
 80 representative present during each event. A permit is limited to
 81 the length of the event for which the permit is issued.

82 Section 2. Subsection (9) is added to section 561.24,
 83 Florida Statutes, to read:

84 561.24 Licensing manufacturers as distributors or
 85 registered exporters prohibited; procedure for issuance and
 86 renewal of distributors' licenses and exporters' registrations.—

87 (9) This section does not apply to a craft distillery, as
 88 defined in s. 565.03, which is open to the public for tours,
 89 tastings, and sales at least 30 hours each week.

90 Section 3. Section 562.65, Florida Statutes, is created to
 91 read:

92 562.65 Licensed premises of vendors; dogs allowed in
 93 designated areas.—

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

95 (a) "Division" means the Division of Alcoholic Beverages
 96 and Tobacco of the Department of Business and Professional
 97 Regulation.

98 (b) "Dog" means a dog that is domesticated and kept as a
 99 household pet.

100 (c) "Licensed premises" has the same meaning as provided

101 in s. 561.01(11).

102 (d) "Vendor" means a person who is licensed under the
103 Beverage Law.

104 (2) A vendor may allow dogs in designated areas, including
105 certain indoor areas, of the licensed premises under the
106 following conditions:

107 (a) No more than 10 percent of the gross revenue of the
108 vendor's business may be from the sale of food consumed on the
109 licensed premises. Ice may not be considered food.

110 (b) Dogs must be kept on a leash and under control at all
111 times.

112 (c) Dogs may not be permitted on tables, bar tops, or
113 other furnishings.

114 (d) Dogs may not be permitted in any area of the licensed
115 premises in which food is stored or prepared.

116 (e) Dog waste must be cleaned immediately and the area
117 must be sanitized.

118 (3) An individual may be held liable for failure to comply
119 with the conditions under paragraphs (2)(b)-(e) if such failure
120 causes injury or damage.

121 (4) The division may adopt rules to administer this
122 section.

123 Section 4. Section 564.05, Florida Statutes, is repealed.

124 Section 5. Section 564.055, Florida Statutes, is repealed.

125 Section 6. Section 564.09, Florida Statutes, is amended to

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126 read:

127 564.09 Restaurants; off-premises consumption of wine.—
128 Notwithstanding any other provision of law, a restaurant
129 licensed to sell wine on the premises may permit a patron to
130 remove one unsealed bottle of wine for consumption off the
131 premises if the patron has purchased a ~~full-course~~ meal
132 ~~consisting of a salad or vegetable, entree, a beverage, and~~
133 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
134 ~~meal~~ on the restaurant premises. A partially consumed bottle of
135 wine that is to be removed from the premises must be securely
136 resealed by the licensee or its employees before removal from
137 the premises. The partially consumed bottle of wine shall be
138 placed in a bag or other container that is secured in such a
139 manner that it is visibly apparent if the container has been
140 subsequently opened or tampered with, and a dated receipt for
141 the bottle of wine and ~~full-course~~ meal shall be provided by the
142 licensee and attached to the container. If transported in a
143 motor vehicle, the container with the resealed bottle of wine
144 must be placed in a locked glove compartment, a locked trunk, or
145 the area behind the last upright seat of a motor vehicle that is
146 not equipped with a trunk.

147 Section 7. Paragraphs (a) and (b) of subsection (1),
148 paragraphs (b) and (c) of subsection (2), and subsection (5) of
149 section 565.03, Florida Statutes, are amended to read:

150 565.03 License fees; manufacturers, distributors, brokers,

151 sales agents, and importers of alcoholic beverages; vendor
 152 licenses and fees; distilleries and craft distilleries.—

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

154 (a) "Branded product" means any distilled spirits product
 155 manufactured on site, or manufactured on site and blended on
 156 site with other distilled spirits, which requires a federal
 157 certificate and label approval by the Federal Alcohol
 158 Administration Act or federal regulations.

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

164 (2)

165 (b) A licensed distillery or craft distillery may ~~Persons~~
 166 ~~licensed under this section who are in the business of~~
 167 ~~distilling spirituous liquors may also~~ engage in the business of
 168 rectifying and blending spirituous liquors without the payment
 169 of an additional license tax.

170 (c) A craft distillery licensed under this section which
 171 is not licensed as a vendor under s. 561.221 may sell to
 172 consumers under its craft distillery license, at its souvenir
 173 gift shop, up to 75,000 gallons per calendar year of branded
 174 products ~~distilled on its premises in this state~~ in factory-
 175 sealed containers that are filled at the distillery for off-

176 premises consumption by consumers. Such sales are authorized
177 only on ~~private~~ property owned or leased by the craft distillery
178 which is contiguous to the craft distillery's licensed
179 ~~distillery premises approved by the division in this state and~~
180 ~~included on the sketch or diagram defining the licensed premises~~
181 ~~submitted with the distillery's license application. All sketch~~
182 ~~or diagram revisions by the distillery shall require the~~
183 ~~division's approval verifying that the souvenir gift shop~~
184 ~~location operated by the licensed distillery is owned or leased~~
185 ~~by the distillery and on property contiguous to the distillery's~~
186 ~~production building in this state.~~

187 1. A craft distillery may not sell under its craft
188 distillery license any factory-sealed individual containers of
189 spirits to consumers in this state except in face-to-face sales
190 transactions with such consumers at the craft distillery's
191 licensed premises. Such containers must be in compliance with
192 the container limits in s. 565.10 ~~who are making a purchase of~~
193 ~~no more than six individual containers of each branded product.~~

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

199 2.3. A craft distillery must report to the division within
200 5 days after it reaches the production limitations provided in

201 paragraph (1)(b). Any retail sales to consumers under its craft
202 distillery license ~~at the craft distillery's licensed premises~~
203 are prohibited beginning the day after it reaches the production
204 limitation.

205 ~~3.4.~~ A craft distillery that has not been issued a
206 vendor's license under s. 561.221 may not ship or arrange to
207 ship any of its distilled spirits to consumers in this state and
208 may sell and deliver only to consumers within the state in a
209 face-to-face transaction at the distillery property. However, a
210 craft distillery ~~distiller~~ licensed under this section may ship,
211 arrange to ship, or deliver such spirits to manufacturers of
212 distilled spirits, wholesale distributors of distilled spirits,
213 state or federal bonded warehouses, ~~and exporters,~~ or consumers
214 located outside of this state; however, all such shipments must
215 comply with the laws where such products are scheduled to be
216 delivered for personal use.

217 4. A craft distillery may transfer up to 75,000 gallons
218 per calendar year of distilled spirits that it manufactures from
219 its federal bonded space, nonbonded space at its licensed
220 premises, or storage areas to its souvenir gift shop.

221 ~~5. Except as provided in subparagraph 6., it is unlawful~~
222 ~~to transfer a distillery license for a distillery that produces~~
223 ~~75,000 or fewer gallons per calendar year of distilled spirits~~
224 ~~on its premises or any ownership interest in such license to an~~
225 ~~individual or entity that has a direct or indirect ownership~~

226 ~~interest in any distillery licensed in this state; another~~
 227 ~~state, territory, or country; or by the United States government~~
 228 ~~to manufacture, blend, or rectify distilled spirits for beverage~~
 229 ~~purposes.~~

230 ~~6. A craft distillery shall not have its ownership~~
 231 ~~affiliated with another distillery, unless such distillery~~
 232 ~~produces 75,000 or fewer gallons per calendar year of distilled~~
 233 ~~spirits on each of its premises in this state or in another~~
 234 ~~state, territory, or country.~~

235 (5) A craft distillery may transfer distilled spirits to
 236 any of its retail areas pursuant to paragraph (2) (c) or s.
 237 561.221 and ~~making sales under paragraph (2) (e)~~ is responsible
 238 for submitting any excise taxes due to the state on distilled
 239 spirits on beverages under the Beverage Law with ~~in~~ its monthly
 240 report to the division ~~with any tax payments due to the state.~~

241 Section 8. Section 565.17, Florida Statutes, is amended to
 242 read:

243 565.17 Beverage tastings by distributors, craft
 244 distilleries, and vendors.—A licensed distributor of spirituous
 245 beverages, a craft distillery, as defined in s. 565.03, or any
 246 vendor, is authorized to conduct spirituous beverage tastings
 247 upon any licensed premises authorized to sell spirituous
 248 beverages by package or for consumption on premises without
 249 being in violation of s. 561.42, provided that the conduct of
 250 the spirituous beverage tasting shall be limited to and directed

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251 | toward the general public of the age of legal consumption.

252 | Section 9. This act shall take effect July 1, 2020.