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LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 562.20, Florida Statutes, is amended to
read:

562.20 Monthly reports by common and other carriers of
beverages required.—

(1) All common or contract carriers ~~of freight~~ operating in
the state shall file complete and accurate monthly reports with



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11 the division on forms to be prepared by the division which shall
12 show in detail all shipments and deliveries of all amounts of
13 alcoholic beverages transported by them to or from any point
14 within the state or delivered to any point within the state from
15 any point outside of the state. The division shall issue a
16 notification of violation to any common or contract carrier who
17 willfully fails to file the monthly reports required under this
18 section.

19 (2) Every other person, except manufacturers and
20 distributors licensed in this state who are required to make
21 reports under s. 561.55, who brings into the state from any
22 point without the state any alcoholic beverages, in amounts
23 exceeding 1 gallon in the aggregate, shall likewise file
24 complete and accurate monthly reports with the division on the
25 forms to be prepared by the division, which shall show in detail
26 all such amounts of alcoholic beverages transported by them to
27 any point within the state from any point without the state.
28 Every licensee under this law who ships any alcoholic beverage
29 to points beyond the state shall file monthly reports with the
30 division on forms to be prepared by the division, which shall
31 show in detail all shipments of alcoholic beverages transported
32 by them from any point within the state to any point without the
33 state.

34 (3) Such reports shall show in detail the name and address
35 of the shipper, ~~and~~ the consignee, and the recipient of each
36 shipment; ~~and~~ a description of the kind of malt beverage, wine,
37 spirit, or other alcoholic beverage and the ~~and~~ amount and
38 weight of each such shipment; any unique tracking number for the
39 shipment; and the address and date of delivery for the shipment.



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40 The reports must ~~and shall~~ be filed monthly on or before the
41 15th of each month for the calendar month previous. The division
42 shall accept electronic filings of such reports. The books,
43 records, supporting papers, and documents containing information
44 and data relating to such reports must be kept and maintained
45 for a period of 3 years and must be made available for
46 inspection by the division upon request.

47 (4) By December 31 of each calendar year, the division
48 shall submit a report to the Legislature which states the number
49 of notifications of violation issued under this section during
50 the calendar year and contains a detailed summary of all data
51 relating to untaxed alcoholic beverages and the sources of such
52 beverages, unlicensed sales, and any other violations of the
53 Beverage Law.

54 (5) The division may adopt rules to administer this
55 section.

56 Section 2. Present subsection (12) of section 565.02,
57 Florida Statutes, is redesignated as subsection (13), and a new
58 subsection (12) is added to that section, to read:

59 565.02 License fees; vendors; clubs; caterers; and others.—

60 (12) (a) As used in this subsection, the term "destination
61 entertainment venue" means a venue that:

62 1. Is located in a designated community redevelopment area
63 and is defined by an adopted community redevelopment plan to
64 support urban redevelopment and economic development;

65 2. Is adjacent to and served by multimodal transportation
66 options, including, but not limited to, bicycle and pedestrian
67 trails included on an adopted city or county trails map; and

68 3. Contains all of the following within a contiguous area



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69 of at least 5 acres, including associated parking and stormwater
70 requirements as defined by the local jurisdiction within which
71 the destination entertainment venue is located:

72 a. At least one indoor event venue with a minimum capacity
73 of 500 people which is fully serviced by a connected on-site
74 kitchen;

75 b. At least one outdoor event venue with a minimum capacity
76 of 1,000 people which has regularly occurring live entertainment
77 on a stage that is at least 12 feet deep and 16 feet wide; and

78 c. A single craft distillery licensed under s. 565.03. The
79 craft distillery must be in operation and open for tours during
80 normal business hours at least 5 days a week.

81 (b) The issuing of a license under this paragraph is not
82 subject to any quota or limitation, except that only one license
83 may be issued per community redevelopment area, the license may
84 only be issued for the premises included on the sketch or
85 diagram on file with the division under s. 565.03, and the
86 license may only be issued to the qualified owner of the
87 destination entertainment venue or the owner's designee. Except
88 as otherwise provided in this paragraph, the entity licensed
89 under this paragraph shall be treated as a vendor and is subject
90 to all provisions relating to such vendors licensed to sell by
91 the drink the beverages mentioned herein. However, the vendor
92 may not make package sales for off-premises consumption or make
93 any deliveries or shipments of alcoholic beverages away from the
94 venue, vendor, or craft distillery which are not authorized
95 under s. 565.03.

96 Section 3. Paragraphs (a) and (b) of subsection (1) and
97 subsections (2) and (5) of section 565.03, Florida Statutes, are



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98 amended to read:

99 565.03 License fees; manufacturers, distributors, brokers,
100 sales agents, and importers of alcoholic beverages; vendor
101 licenses and fees; distilleries and craft distilleries.—

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

103 (a) "Branded product" means any distilled spirits brand of
104 alcoholic beverage that:

105 1. Is owned by a craft distillery;

106 2. Contains distilled spirits that are manufactured,
107 blended, and bottled by the craft distillery; and

108 3. Has ~~product manufactured on site,~~ which requires a
109 federal certificate of ~~and~~ label approval issued to the craft
110 distillery by the Federal ~~Government Alcohol Administration Act~~
111 or federal regulations.

112 (b) "Craft distillery" means a licensed distillery in this
113 state which is owned by an individual or entity that distills,
114 blends, or bottles 250,000 ~~that produces 75,000~~ or fewer gallons
115 per calendar year of distilled spirits on all of its commonly
116 owned premises, provided that a minimum of 60 percent of the
117 distiller's total finished branded products are produced from
118 spirits distilled in this state and contain one or more
119 agricultural products from this state which have been processed
120 or combined with other products by the craft distiller and has
121 notified the division in writing of its decision to qualify as a
122 craft distillery.

123 (2) (a) A distillery may not operate as a craft distillery
124 until the distillery has provided to the division written
125 notification that it meets the criteria specified in paragraph
126 (1) (b). Upon receipt of the notice and verification that the



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127 distillery meets all such criteria, the division shall add the
128 designation of craft distiller on the distillery's license.

129 (b)~~(a)~~ A distillery or a craft distillery authorized to do
130 business under the Beverage Law shall pay an annual state
131 license tax for each plant or branch operating in the state, as
132 follows:

133 1. A distillery engaged in the business of manufacturing
134 distilled spirits: \$4,000.

135 2. A craft distillery engaged in the business of
136 manufacturing distilled spirits: \$1,000.

137 3. A person engaged in the business of rectifying and
138 blending spirituous liquors and nothing else: \$4,000.

139 (c)~~(b)~~ A licensed distillery or licensed craft distillery
140 may ~~Persons licensed under this section who are in the business~~
141 ~~of distilling spirituous liquors may also~~ engage in the business
142 of rectifying and blending spirituous liquors without the
143 payment of an additional license tax.

144 (d)~~(e)~~ A craft distillery licensed under this section may
145 sell to consumers, by the drink or by the package at its
146 souvenir gift shops and tasting rooms, up to 75,000 gallons per
147 calendar year of ~~shop,~~ branded products that are manufactured by
148 the craft distillery distilled on its premises or in a state or
149 federal bonded space in this state which is on or contiguous to
150 the craft distillery's licensed premises and is owned or leased
151 by the craft distillery in this state in factory-sealed
152 ~~containers that are filled at the distillery for off-premises~~
153 ~~consumption.~~ Such sales are authorized only on private property
154 contiguous to the licensed ~~distillery~~ premises in this state and
155 included on the sketch or diagram defining the licensed premises



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156 submitted with the distillery's license application. All sketch
157 or diagram revisions by the distillery shall require the
158 division's approval verifying that the locations of the souvenir
159 gift shops and tasting rooms ~~shop location~~ operated by the
160 licensed distillery are ~~is~~ owned or leased by the distillery and
161 on property contiguous to the distillery's production building
162 in this state.

163 1. Except as permitted under s. 565.17(2), a craft
164 distillery may not sell any factory-sealed individual containers
165 of spirits to consumers except in face-to-face sales
166 transactions with such consumers at the craft distillery's
167 licensed premises. Such branded products must be in compliance
168 with the container limits under s. 565.10 and be intended for
169 personal consumption rather than for resale ~~who are making a~~
170 ~~purchase of no more than six individual containers of each~~
171 ~~branded product.~~

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

177 3. A craft distillery must report to the division within 5
178 days after it exceeds ~~reaches~~ the production standards or is no
179 longer operating under the requirements or limitations provided
180 in paragraph (1)(b). Any retail sales of branded products by the
181 drink or by the package to consumers at the craft distillery's
182 licensed premises are prohibited beginning the day after it
183 exceeds ~~reaches~~ the production limitation.

184 3.4. A craft distillery is prohibited from shipping or



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185 arranging to ship within this state any of its branded products
186 or any other alcoholic beverages that it manufactures,
187 rectifies, blends, or bottles ~~may not ship or arrange to ship~~
188 ~~any of its distilled spirits to consumers~~ and may sell and
189 deliver only to consumers within the state in a face-to-face
190 transaction at the distillery's souvenir gift shops and tasting
191 rooms ~~distillery property~~. However, a craft distillery ~~distiller~~
192 licensed under this section may ship, arrange to ship, or
193 deliver such spirits to any manufacturers of distilled spirits,
194 wholesale distributors of distilled spirits, state or federal
195 bonded warehouses, or ~~and~~ exporters.

196 ~~4.5.~~ Except as provided in subparagraph 5. ~~subparagraph 6.,~~
197 it is unlawful to transfer a craft distillery license ~~for a~~
198 ~~distillery that produces 75,000 or fewer gallons per calendar~~
199 ~~year of distilled spirits on its premises~~ or any ownership
200 interest in such license to an individual or entity that has a
201 direct or indirect ownership interest in any distillery that
202 distills, blends, or bottles 250,000 gallons or more per
203 calendar year of distilled spirits under any license ~~licensed~~ in
204 this state; another state, territory, or country; or by the
205 United States Government to manufacture, blend, or rectify
206 distilled spirits for beverage purposes.

207 ~~5.6.~~ A craft distillery shall not have its ownership
208 affiliated with another distillery, unless such distillery is
209 owned by an individual or entity that distills, blends, or
210 bottles 250,000 gallons or less per calendar year of distilled
211 spirits ~~produces 75,000 or fewer gallons per calendar year of~~
212 ~~distilled spirits on each of its premises in this state or in~~
213 ~~another state, territory, or country.~~



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214 6. A craft distillery may transfer up to 75,000 gallons per
215 calendar year of its branded products that it produces, blends,
216 or bottles from its federal bonded space, nonbonded space at its
217 licensed premises, or storage areas to its souvenir gift shops
218 and tasting rooms.

219 (5) A craft distillery making sales under paragraph (2) (d)
220 ~~paragraph (2) (e)~~ is responsible for submitting any excise taxes
221 due to the state on distilled spirits ~~on beverages~~ under the
222 Beverage Law ~~with in~~ its monthly report to the division ~~with any~~
223 tax payments due to the state.

224 Section 4. Section 565.17, Florida Statutes, is amended to
225 read:

226 565.17 Beverage tastings by distributors and vendors.—

227 (1) A licensed distributor of spirituous beverages, a craft
228 distillery as defined in s. 565.03, or any vendor, is authorized
229 to conduct spirituous beverage tastings upon any licensed
230 premises authorized to sell spirituous beverages by package or
231 for consumption on premises without being in violation of s.
232 561.42, provided that the conduct of the spirituous beverage
233 tasting shall be limited to and directed toward the general
234 public of the age of legal consumption.

235 (2) The division shall issue permits to a craft distillery
236 to conduct tastings and sales of distilled spirits produced by
237 craft distilleries at Florida fairs, trade shows, farmers
238 markets, expositions, and festivals. The craft distillery must
239 pay all entry fees and must have a distillery representative
240 present during the event. The permit is limited to the duration
241 and physical location of the event.

242 Section 5. This act shall take effect July 1, 2020.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the Beverage Law; amending s.
562.20, F.S.; revising the types of carriers required
to file monthly reports with the Division of Alcoholic
Beverages and Tobacco within the Department of
Business and Professional Regulation; revising the
required contents of such reports; requiring the
division to issue a notification of violation to
carriers under certain circumstances; revising the
required contents of certain other reports relating to
the transport of alcoholic beverages; requiring the
division to accept electronic filings of such reports;
requiring the reports to be maintained for a specified
time and made available to the division for inspection
upon request; requiring the division to annually
submit a report to the Legislature containing
specified information, by a specified date;
authorizing the division to adopt rules; amending s.
565.02, F.S.; defining the term "destination
entertainment venue"; providing requirements for
certain licenses relating to destination entertainment
venues; prohibiting the licensee from taking certain
actions; amending s. 565.03, F.S.; redefining the
terms "branded product" and "craft distillery";



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272 prohibiting a distillery from operating as a craft
273 distillery until certain requirements are met;
274 revising the requirements and prohibitions on the sale
275 to consumers of branded products by a licensed craft
276 distillery; revising the circumstances for which a
277 craft distillery must report certain information about
278 the production of distilled spirits to the division;
279 revising prohibitions on the shipment of certain
280 products by a craft distillery; revising prohibitions
281 on the transfer of a craft distillery license or
282 ownership interest in such license; revising
283 prohibitions relating to affiliated ownerships of
284 craft distilleries; authorizing a craft distillery to
285 transfer specified distilled spirits from certain
286 locations to its souvenir gift shops and tasting
287 rooms; making technical changes; amending s. 565.17,
288 F.S.; authorizing craft distilleries to conduct
289 spirituous beverage tastings under certain
290 circumstances; requiring the division to issue permits
291 to craft distilleries to conduct tastings and sales at
292 certain locations; providing requirements for
293 distilleries for such permits; providing an effective
294 date.