

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  
 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 distillery's  
 34 licensed premises; requiring that the licensed vendor  
 35 premises be included on certain sketches and diagrams  
 36 under certain circumstances; requiring that all  
 37 revisions to a sketch or diagram be approved by the  
 38 division; requiring that certain alcoholic beverages  
 39 be obtained through a licensed distributor, a licensed  
 40 broker or sales agent, or a licensed importer;  
 41 providing an effective date.

42

43 Be It Enacted by the Legislature of the State of Florida:

44

45 Section 1. Section 564.05, Florida Statutes, is repealed.

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 Section 564.055, Florida Statutes, is repealed.

47 Section 3. Section 564.09, Florida Statutes, is amended to

48 read:

49 564.09 Restaurants; off-premises consumption of wine.—

50 Notwithstanding any other provision of law, a restaurant

51 licensed to sell wine on the premises may permit a patron to  
52 remove one unsealed bottle of wine for consumption off the  
53 premises if the patron has purchased a ~~full-course~~ meal  
54 ~~consisting of a salad or vegetable, entree, a beverage, and~~  
55 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~  
56 ~~meal~~ on the restaurant premises. A partially consumed bottle of  
57 wine that is to be removed from the premises must be securely  
58 resealed by the licensee or its employees before removal from  
59 the premises. The partially consumed bottle of wine shall be  
60 placed in a bag or other container that is secured in such a  
61 manner that it is visibly apparent if the container has been  
62 subsequently opened or tampered with, and a dated receipt for  
63 the bottle of wine and ~~full-course~~ meal shall be provided by the  
64 licensee and attached to the container. If transported in a  
65 motor vehicle, the container with the resealed bottle of wine  
66 must be placed in a locked glove compartment, a locked trunk, or  
67 the area behind the last upright seat of a motor vehicle that is  
68 not equipped with a trunk.

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

72 565.03 License fees; manufacturers, distributors, brokers,  
73 sales agents, and importers of alcoholic beverages; vendor  
74 licenses and fees; distilleries and craft distilleries.—

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

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

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

86 (2)

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

92 (c) A craft distillery licensed under this section which  
 93 is not licensed as a vendor under s. 561.221 may sell to  
 94 consumers under its craft distillery license, at its souvenir  
 95 gift shop, up to 250,000 gallons per calendar year of branded  
 96 products ~~distilled on its premises in this state~~ in factory-  
 97 sealed containers that are filled at the distillery for off-  
 98 premises consumption by consumers. Such sales are authorized  
 99 only on ~~private~~ property owned or leased by the craft distillery  
 100 which is contiguous to the craft distillery's licensed

101 ~~distillery premises approved by the division in this state and~~  
102 ~~included on the sketch or diagram defining the licensed premises~~  
103 ~~submitted with the distillery's license application. All sketch~~  
104 ~~or diagram revisions by the distillery shall require the~~  
105 ~~division's approval verifying that the souvenir gift shop~~  
106 ~~location operated by the licensed distillery is owned or leased~~  
107 ~~by the distillery and on property contiguous to the distillery's~~  
108 ~~production building in this state.~~

109       1. A craft distillery may not sell under its craft  
110 distillery license any factory-sealed individual containers of  
111 spirits to consumers in this state except in face-to-face sales  
112 transactions with such consumers at the craft distillery's  
113 licensed premises. Such containers must be in compliance with  
114 the container limits as provided in s. 565.10 ~~who are making a~~  
115 ~~purchase of no more than six individual containers of each~~  
116 ~~branded product.~~

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

122       ~~2.3.~~ A craft distillery must report to the division within  
123 5 days after it reaches the production limitations provided in  
124 paragraph (1) (b). Any retail sales to consumers under its craft  
125 distillery license ~~at the craft distillery's licensed premises~~

126 are prohibited beginning the day after it reaches the production  
127 limitation.

128 3.4. A craft distillery that has not been issued a  
129 vendor's license under s. 561.221 may not ship or arrange to  
130 ship any of its distilled spirits to consumers in this state and  
131 may sell and deliver only to consumers within the state in a  
132 face-to-face transaction at the distillery property. However, a  
133 craft distillery ~~distiller~~ licensed under this section may ship,  
134 arrange to ship, or deliver such spirits to manufacturers of  
135 distilled spirits, wholesale distributors of distilled spirits,  
136 state or federal bonded warehouses, ~~and~~ exporters, or consumers  
137 located outside of this state; however, all such shipments must  
138 comply with the laws where such products are scheduled to be  
139 delivered for personal use.

140 4.5. Except as provided in subparagraph 5. 6., it is  
141 unlawful to transfer a distillery license for a distillery that  
142 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
143 distilled spirits on its premises or any ownership interest in  
144 such license to an individual or entity that has a direct or  
145 indirect ownership interest in any distillery licensed in this  
146 state; another state, territory, or country; or by the United  
147 States government to manufacture, blend, or rectify distilled  
148 spirits for beverage purposes.

149 5.6. A craft distillery shall not have its ownership  
150 affiliated with another distillery, unless such distillery

151 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of  
152 distilled spirits on each of its premises in this state or in  
153 another state, territory, or country.

154 6. A craft distillery may transfer up to 250,000 gallons  
155 per calendar year of distilled spirits that it manufactures from  
156 its federal bonded space, nonbonded space at its licensed  
157 premises, or storage areas to its souvenir gift shop.

158 (5) A craft distillery may transfer distilled spirits to  
159 any of its retail areas pursuant to paragraph (2)(c) or s.  
160 561.221 and ~~making sales under paragraph (2)(c)~~ is responsible  
161 for submitting any excise taxes due to the state on distilled  
162 spirits ~~on beverages~~ under the Beverage Law with ~~in~~ its monthly  
163 report to the division ~~with any tax payments due to the state.~~

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

166 561.221 Licensing of manufacturers and distributors as  
167 vendors and of vendors as manufacturers; conditions and  
168 limitations.—

169 (4) (a) Notwithstanding s. 561.22, s. 561.42, or any other  
170 provision of the Beverage Law, the division may issue a vendor's  
171 license for the sale of alcoholic beverages on a distillery's  
172 licensed premises to a distillery licensed under s. 565.03, even  
173 if such distillery is also licensed as a distributor.

174 (b) If the vendor's license is for the sale of alcoholic  
175 beverages on a distillery's licensed premises, the licensed

176 vendor premises must be included on the sketch or diagram  
177 defining the licensed premises submitted with the distillery's  
178 license application. All sketch or diagram revisions by the  
179 distillery must be approved by the division, verifying that the  
180 vendor premises operated by the licensed distillery is owned or  
181 leased by the distillery and is located on the licensed  
182 distillery premises.

183 (c) Distilled spirits and other alcoholic beverages  
184 manufactured by another licensed manufacturer, including any  
185 distilled spirits that are owned in whole or in part by the  
186 craft distillery but are distilled by another manufacturer, must  
187 be obtained through a licensed distributor, a licensed broker or  
188 sales agent, or a licensed importer.

189 Section 6. This act shall take effect July 1, 2020.