

By Senator Brandes

24-01342-21

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1 A bill to be entitled
2 An act relating to malt beverage manufacturers;
3 amending s. 561.221, F.S.; exempting certain vendors
4 from specified delivery restrictions under certain
5 circumstances; providing applicability; defining the
6 term "keg"; authorizing vendors licensed as
7 manufacturers under ch. 561, F.S., to transfer malt
8 beverages to certain restaurants with common ownership
9 affiliations; amending s. 561.57, F.S.; providing that
10 certain manufacturers may transport malt beverages in
11 vehicles owned or leased by certain persons other than
12 the manufacturers; amending s. 563.022, F.S.;
13 conforming a provision to changes made by the act;
14 providing an effective date.

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

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18 Section 1. Paragraph (d) of subsection (2) of section
19 561.221, Florida Statutes, is amended, and paragraph (f) is
20 added to that subsection and subsection (4) is added to that
21 section, to read:

22 561.221 Licensing of manufacturers and distributors as
23 vendors and of vendors as manufacturers; conditions and
24 limitations.—

25 (2)

26 (d) A manufacturer possessing a vendor's license under this
27 subsection is not permitted to make deliveries under s.
28 561.57(1), except as provided in paragraph (f).

29 (f) Notwithstanding any other provision of the Beverage

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30 Law, a manufacturer possessing a vendor's license under this
31 subsection may sell, transport, and deliver to vendors, from the
32 manufacturer's licensed premises, malt beverages that have been
33 manufactured on its licensed premises if the manufacturer
34 complies with the requirements in ss. 561.42 and 561.423, as
35 applicable, to the same extent as if the manufacturer were a
36 distributor.

37 1. The authority provided in this paragraph is limited to
38 the sale, transport, and delivery of kegs or similar containers
39 that hold 5.16 gallons, 7.75 gallons, or 15.5 gallons.

40 2. Any delivery under this paragraph is subject to the
41 provisions of s. 561.57(2) related to deliveries by licensees.

42 3. This paragraph does not apply to a manufacturer who:

43 a. Has a franchise agreement with a distributor pursuant to
44 s. 563.022; or

45 b. Has a total production volume of more than 7,000 kegs of
46 malt beverages a year. For the purposes of this sub-
47 paragraph, the term "keg" means 15.5 gallons.

48 (4) Notwithstanding any other provision of the Beverage
49 Law, any vendor licensed as a manufacturer under this section
50 may transfer malt beverages to any restaurant with which it has
51 common ownership affiliations, which restaurant is part of a
52 restaurant group that comprises not more than 15 restaurants.

53 Section 2. Subsection (2) of section 561.57, Florida
54 Statutes, is amended to read:

55 561.57 Deliveries by licensees.—

56 (2) Deliveries made by a manufacturer or distributor away
57 from his or her place of business may be made only in vehicles
58 that are owned or leased by the licensee. However, a

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59 manufacturer authorized to make deliveries under s.
60 561.221(2) (f) to the licensed premises of a vendor may transport
61 malt beverages if the vehicle used to transport the alcoholic
62 beverages is owned or leased by the manufacturer or any person
63 who has been disclosed on a license application filed by the
64 manufacturer and approved by the division. By acceptance of an
65 alcoholic beverage license and the use of such vehicles, the
66 licensee agrees that such vehicle shall always be subject to be
67 inspected and searched without a search warrant, for the purpose
68 of ascertaining that all provisions of the alcoholic beverage
69 laws are complied with, by authorized employees of the division
70 and also by sheriffs, deputy sheriffs, and police officers
71 during business hours or other times the vehicle is being used
72 to transport or deliver alcoholic beverages.

73 Section 3. Paragraph (d) of subsection (14) of section
74 563.022, Florida Statutes, is amended to read:

75 563.022 Relations between beer distributors and
76 manufacturers.—

77 (14) MANUFACTURER; PROHIBITED INTERESTS.—

78 (d) Nothing in the Beverage Law shall be construed to
79 prohibit a manufacturer from shipping products to or between its
80 breweries, or between its breweries and the licensed premises of
81 a vendor as provided in s. 561.221(2) (f), without a
82 distributor's license.

83 Section 4. This act shall take effect July 1, 2021.