

## CHAPTER 2015-52

### Committee Substitute for Committee Substitute for Senate Bill No. 596

An act relating to craft distilleries; amending s. 565.03, F.S.; defining the term “branded product”; revising the current limitation on the number of containers that may be sold to consumers by craft distilleries; applying such limitation to individual containers for each branded product; prohibiting a craft distillery from shipping or arranging to ship any of its distilled spirits to consumers; providing an exception; requiring the Department of Transportation to install directional signs at specified locations in accordance with Florida’s Highway Guide Sign Program upon the request of a craft distillery licensed in this state; requiring the craft distillery licensed in this state to pay specified costs; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (1) of section 565.03, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, subsection (6) of that section is redesignated as subsection (7), a new subsection (6) is added to that section, and paragraph (c) of subsection (2) of that section is amended, to read:

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

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

(a) “Branded product” means any distilled spirits product manufactured on site, which requires a federal certificate and label approval by the Federal Alcohol Administration Act or regulations.

(2)

(c) A craft distillery licensed under this section may sell to consumers, at its souvenir gift shop, ~~branded products~~ ~~spirits~~ distilled on its premises in this state in factory-sealed containers that are filled at the distillery for off-premises consumption. Such sales are authorized only on private property contiguous to the licensed distillery premises in this state and included on the sketch or diagram defining the licensed premises submitted with the distillery’s license application. All sketch or diagram revisions by the distillery shall require the division’s approval verifying that the souvenir gift shop location operated by the licensed distillery is owned or leased by the distillery and on property contiguous to the distillery’s production building in this state.

1. A craft distillery ~~or licensed distillery~~ may not sell any factory-sealed individual containers of spirits except in face-to-face sales transactions with consumers who are making a purchase of no more than:

a. Two individual containers of each branded product;

b. Three individual containers of a single branded product and up to one individual container of a second branded product; or

c. Four individual containers of a single branded product.

2. Each container sold in face-to-face transactions with consumers must ~~two or fewer individual containers, that~~ comply with the container limits in s. 565.10, per calendar year for the consumer's personal use and not for resale and who are present at the distillery's licensed premises in this state.

3.1. A craft distillery must report to the division within 5 days after it reaches the production limitations provided in paragraph ~~(1)(b)~~ ~~(1)(a)~~. Any retail sales to consumers at the craft distillery's licensed premises are prohibited beginning the day after it reaches the production limitation.

4.2. A craft distillery may ~~not only ship or~~, arrange to ship, ~~or deliver~~ any of its distilled spirits to consumers and may sell and deliver only to consumers within the state in a face-to-face transaction at the distillery property. However, a craft distiller licensed under this section may ship, arrange to ship, or deliver such spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state or federal bonded warehouses, and exporters.

5.3. Except as provided in subparagraph 6.4., it is unlawful to transfer a distillery license for a distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises or any ownership interest in such license to an individual or entity that has a direct or indirect ownership interest in any distillery licensed in this state; another state, territory, or country; or by the United States government to manufacture, blend, or rectify distilled spirits for beverage purposes.

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

(6) Upon the request of a craft distillery licensed in this state, the Department of Transportation shall install directional signs for the craft distillery on the rights-of-way of interstate highways and primary and secondary roads in accordance with Florida's Highway Guide Sign Program, Rule 14-51, Florida Administrative Code. A craft distillery licensed in this state which requests placement of a directional sign through the department's permit process shall pay all associated costs.

Section 2. This act shall take effect July 1, 2015.

Approved by the Governor May 21, 2015.

Filed in Office Secretary of State May 21, 2015.