

1 A bill to be entitled
2 An act relating to the Beverage Law; amending s.
3 561.221, F.S.; authorizing a manufacturer who
4 possesses a vendor's license to sell, transport, and
5 deliver to vendors under certain circumstances;
6 providing applicability; authorizing vendors licensed
7 as manufacturers to transfer malt beverages to certain
8 restaurants with common ownership affiliations;
9 amending s. 561.5101, F.S.; revising construction;
10 amending s. 561.57, F.S.; authorizing certain
11 manufacturers to transport malt beverages in vehicles
12 owned or leased by certain persons other than the
13 manufacturer; amending s. 563.022, F.S.; revising the
14 definition of the term "manufacturer"; revising
15 construction; authorizing a manufacturer to terminate
16 a contract with a distributor under certain
17 circumstances; providing an effective date.

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

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21 Section 1. Paragraph (d) of subsection (2) of section
22 561.221, Florida Statutes, is amended, paragraph (f) is added to
23 that subsection, paragraph (a) of subsection (3) is amended, and
24 subsection (4) is added to that section, to read:

25 561.221 Licensing of manufacturers and distributors as

26 | vendors and of vendors as manufacturers; conditions and
 27 | limitations.—

28 | (2)

29 | (d) A manufacturer possessing a vendor's license under
 30 | this subsection is not permitted to make deliveries under s.
 31 | 561.57(1), except as provided in paragraph (f).

32 | (f) Notwithstanding any other provision of the Beverage
 33 | Law, a manufacturer possessing a vendor's license under this
 34 | subsection may sell, transport, and deliver to vendors, from the
 35 | manufacturer's licensed premises, malt beverages that have been
 36 | manufactured on its licensed premises if the manufacturer
 37 | complies with the requirements in ss. 561.42 and 561.423, as
 38 | applicable, to the same extent as if the manufacturer were a
 39 | distributor.

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

43 | 2. A delivery by a manufacturer to a vendor under this
 44 | paragraph is subject to s. 561.57(2).

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

46 | a. Has a franchise agreement with a distributor pursuant
 47 | to s. 563.022; or

48 | b. Has a total production volume of more than 7,000 kegs
 49 | of malt beverages per year.

50 | (3) (a) Notwithstanding other provisions of the Beverage

51 Law, any vendor licensed in this state may be licensed as a
 52 manufacturer of malt beverages upon a finding by the division
 53 that:

54 1. The vendor will be engaged in brewing malt beverages at
 55 a single location and in an amount which will not exceed 10,000
 56 kegs per year. For purposes of this section ~~subsection~~, the term
 57 "keg" means 15.5 gallons.

58 2. The malt beverages so brewed will be sold to consumers
 59 for consumption on the vendor's licensed premises or on
 60 contiguous licensed premises owned by the vendor.

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

66 Section 2. Subsection (1) of section 561.5101, Florida
 67 Statutes, is amended to read:

68 561.5101 Come-to-rest requirement; exceptions; penalties.-

69 (1) For purposes of inspection and tax-revenue control,
 70 all malt beverages, except those manufactured and sold by the
 71 same licensee, pursuant to s. 561.221(2) or (3), must come to
 72 rest at the licensed premises of an alcoholic beverage
 73 wholesaler in this state before being sold to a vendor by the
 74 wholesaler. The prohibition contained in this subsection does
 75 not apply to the shipment of malt beverages commonly known as

76 private labels. The prohibition contained in this subsection
77 shall not prevent a manufacturer from shipping malt beverages
78 for storage at a bonded warehouse facility, provided that such
79 malt beverages are distributed as provided in this subsection or
80 to an out-of-state entity. This subsection does not prohibit a
81 manufacturer from delivering alcoholic beverages to a licensed
82 vendor as provided in s. 561.221(2)(f).

83 Section 3. Subsection (2) of section 561.57, Florida
84 Statutes, is amended to read:

85 561.57 Deliveries by licensees.—

86 (2) Deliveries made by a manufacturer or distributor away
87 from his or her place of business may be made only in vehicles
88 that are owned or leased by the licensee. However, a
89 manufacturer authorized to make deliveries under s.
90 561.221(2)(f) to the licensed premises of a vendor may transport
91 malt beverages in a vehicle owned or leased by the manufacturer
92 or any person who has been disclosed on a license application
93 filed by the manufacturer and approved by the division. By
94 acceptance of an alcoholic beverage license and the use of such
95 vehicles, the licensee agrees that such vehicle shall always be
96 subject to be inspected and searched without a search warrant,
97 for the purpose of ascertaining that all provisions of the
98 alcoholic beverage laws are complied with, by authorized
99 employees of the division and also by sheriffs, deputy sheriffs,
100 and police officers during business hours or other times the

101 vehicle is being used to transport or deliver alcoholic
102 beverages.

103 Section 4. Paragraph (h) of subsection (2) and paragraph
104 (d) of subsection (14) of section 563.022, Florida Statutes, are
105 amended, and subsection (22) is added to that section, to read:

106 563.022 Relations between beer distributors and
107 manufacturers.—

108 (2) DEFINITIONS.—In construing this section, unless the
109 context otherwise requires, the word, phrase, or term:

110 (h) "Manufacturer" means any person who manufactures or
111 imports beer for distribution to distributors licensed in
112 Florida. The term does not include a person whose total
113 production volume does not exceed 150,000 gallons of malt
114 beverages a year.

115 (14) MANUFACTURER; PROHIBITED INTERESTS.—

116 (d) Nothing in the Beverage Law shall be construed to
117 prohibit a manufacturer from shipping products to or between its
118 breweries, or between its breweries and the licensed premises of
119 a vendor as provided in s. 561.221(2)(f), without a
120 distributor's license.

121 (22) TERMINATION OF CONTRACTS.—Notwithstanding the
122 provisions of this section, a manufacturer may terminate a
123 contract with a distributor after at least 120 days' written
124 notice if the sale of products to the distributor by the
125 manufacturer does not exceed 10 percent of the distributor's

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126 | total alcoholic beverage sales in the prior calendar year.

127 | Section 5. This act shall take effect July 1, 2019.