



ROBERT P. KOCH
PRESIDENT AND CHIEF EXECUTIVE OFFICER

February 16, 2006

TO: ALL MEMBERS
FROM: BOBBY KOCH
SUBJECT: Florida Now Open to Direct Wine Shipping

Secretary Simone Marstiller, who heads Florida's Department of Business and Professional Regulation, announced today that the state is now allowing out-of-state wineries to make direct shipments of wine to adult consumers in Florida, the second largest wine market in the U.S.

We are pleased that Florida has acted in favor of its citizens by allowing them to access the wines of their choosing. This is a victory for consumer choice, fair trade, and U.S. wineries.

Wineries may now legally ship wine to consumers in Florida. Adult signature requirements such as those used in the FedEx and UPS wine shipping programs must be adhered to for all shipments. The state's website at www.MyFlorida.com/dbpr has been updated to provide non-Florida wineries with tax payment information and instructions, and a notice of state and federal laws prohibiting the sale and delivery of alcohol to underage persons. Links to the required tax filing forms and other instructions will be available at the Wine Institute direct shipping site early next week.

This positive turn of events comes in the aftermath of the May 16, 2005 U.S. Supreme Court ruling on *Granholm v. Heald*, declaring discriminatory direct wine shipment laws unconstitutional. Florida's direct shipping laws were subsequently challenged as unconstitutional in a case, *Bainbridge, et al. v. Turner*. U.S. District Court Judge James D. Whittemore ruled on August 5, 2005 that two sections of Florida's direct shipment law were unconstitutional.

Attached is a copy of Secretary Marstiller's letter announcing the department's favorable news to Wine Institute Southeastern Counsel Hunter Limbaugh. For further information, please contact Wine Institute State Relations Director Steve Gross at 415/356-7518.

Sincerely,

RPK:kc
Attachment



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

February 16, 2006

Florida's Future...
DBPR

*Right Here
Right Now*

Jeb Bush
Governor

Simone Marstiller
Secretary

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Dear Mr. Limbaugh:

I am writing to update you on the Department of Business and Professional Regulation's progress in implementing the recent federal court ruling allowing direct shipments of wine by non-Florida wineries to Florida consumers. As you are aware, we have been working with stakeholders to balance the court's directive with Florida alcoholic beverage law, federal law and Florida administrative law.

The department's goal has been to facilitate wine shipments that are now constitutionally permissible while also ensuring collection of required alcoholic beverage taxes and preventing alcoholic sales to underage persons. Our website has been updated to provide to non-Florida wineries tax payment information and instructions, and notice of state and federal laws prohibiting the sale/delivery of alcohol to underage individuals. Notably, several common carriers have procedures in place that enable shippers to comply with those laws. To access the website information visit www.MyFlorida.com/dbpr and select "Wine Shipment into Florida" under the hot topics list.

Please contact me if you have any questions or additional suggestions. Your assistance and cooperation have been very helpful and are most appreciated.

Sincerely,

Simone Marstiller, Secretary

SM/mm