

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Affairs
2 Committee
3 Representative Passidomo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (14) of section 561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer, distributor, importer, primary American source of supply, brand owner or registrant, or any broker, sales agent, or sales person thereof, prohibited; procedure for enforcement; exception.—

(14) The division shall adopt reasonable rules governing promotional displays and advertising, which rules may ~~shall~~ not conflict with or be more stringent than the federal regulations pertaining to such promotional displays and advertising

Amendment No. 1

18 furnished to vendors by distributors, manufacturers, importers,
19 primary American sources of supply, or brand owners or
20 registrants, or any broker, sales agent, or sales person
21 thereof; however:

22 (a) If a manufacturer, distributor, importer, brand owner,
23 or brand registrant of malt beverage, or any ~~broker,~~ sales
24 agent, or sales person thereof, provides a vendor with
25 expendable retailer advertising specialties such as trays,
26 coasters, mats, menu cards, napkins, cups, glasses,
27 thermometers, and the like, such items may ~~shall~~ be sold only at
28 a price not less than the actual cost to the industry member who
29 initially purchased them, without limitation in total dollar
30 value of such items sold to a vendor.

31 (b) Without limitation in total dollar value of such items
32 provided to a vendor, a manufacturer, distributor, importer,
33 brand owner, or brand registrant of malt beverage, or any
34 ~~broker,~~ sales agent, or sales person thereof, may rent, loan
35 without charge for an indefinite duration, or sell durable
36 retailer advertising specialties such as clocks, pool table
37 lights, and the like, which bear advertising matter.

38 (c) If a manufacturer, distributor, importer, brand owner,
39 or brand registrant of malt beverage, or any ~~broker,~~ sales
40 agent, or sales person thereof, provides a vendor with consumer
41 advertising specialties such as ashtrays, T-shirts, bottle
42 openers, shopping bags, and the like, such items may ~~shall~~ be
43 sold only at a price not less than the actual cost to the

Amendment No. 1

44 industry member who initially purchased them, and ~~but~~ may be
45 sold without limitation in total value of such items sold to a
46 vendor.

47 (d) A manufacturer, distributor, importer, brand owner, or
48 brand registrant of malt beverage, or any ~~broker,~~ sales agent,
49 or sales person thereof, may provide consumer advertising
50 specialties described in paragraph (c) to consumers on any
51 vendor's licensed premises.

52 (e) 1. A manufacturer, distributor, or importer of malt
53 beverages, or any contracted third-party agent thereof, may
54 ~~Manufacturers, distributors, importers, brand owners, or brand~~
55 ~~registrants of beer, and any broker, sales agent, or sales~~
56 ~~person thereof, shall not~~ conduct any sampling activities that
57 include the tasting of malt beverage products on:

58 a. The licensed premises of any vendor authorized to sell
59 alcoholic beverages by the drink for consumption on premises; or

60 b. The licensed premises of any vendor authorized to sell
61 alcoholic beverages only in sealed containers for consumption
62 off premises if:

63 (I) The licensed premises is at an establishment having at
64 least 10,000 square feet of interior floor space exclusive of
65 storage space not open to the general public; or

66 (II) The licensed premises is a package store licensed
67 under s. 565.02(1)(a) ~~their product at a vendor's premises~~
68 ~~licensed for off-premises sales only.~~

Amendment No. 1

69 2. A malt beverage tasting conducted under this paragraph
70 must be limited to and directed toward the general public of the
71 age of legal consumption.

72 3. For a malt beverage tasting conducted under this
73 paragraph on the licensed premises of a vendor authorized to
74 sell alcoholic beverages for consumption on premises, each
75 serving of a malt beverage to be tasted must be provided to the
76 consumer by the drink in a tasting cup, glass, or other open
77 container and may not be provided by the package in an unopened
78 can or bottle or in any other sealed container.

79 4. For a malt beverage tasting conducted under this
80 paragraph on the licensed premises of a vendor authorized to
81 sell alcoholic beverages only in sealed containers for
82 consumption off premises, the tasting must be conducted in the
83 interior of the building constituting the vendor's licensed
84 premises and each serving of a malt beverage to be tasted must
85 be provided to the consumer in a tasting cup having a capacity
86 of 3.5 ounces or less.

87 5. A manufacturer, distributor, or importer, or any
88 contracted third-party agent thereof, may not pay a vendor, and
89 a vendor may not accept, a fee or compensation of any kind,
90 including the provision of any malt beverage at no or reduced
91 cost, to authorize the conduct of a malt beverage tasting under
92 this paragraph.

93 6.a. A manufacturer, distributor, or importer, or any
94 contracted third-party agent thereof, conducting a malt beverage

Amendment No. 1

95 tasting under this paragraph must provide all of the beverages
96 to be tasted, the total volume of which per tasting may not
97 exceed 576 ounces; must have paid all excise taxes on those
98 beverages which are required of the manufacturer or distributor;
99 and must return to the manufacturer's or distributor's inventory
100 all of the malt beverages provided for the tasting that remain
101 unconsumed after the tasting. More than one tasting may be held
102 on the licensed premises each day, but only one manufacturer,
103 distributor, importer, or contracted third-party agent thereof,
104 may conduct a tasting on the premises at any one time.

105 b. Any samples of malt beverages provided to a vendor by a
106 manufacturer, distributor, or importer, or any contracted third-
107 party agent thereof, in conjunction with or at the time of a
108 tasting conducted under this paragraph on the licensed premises
109 of that vendor are subject to the volume limit for that premises
110 set forth under sub-subparagraph a.

111 c. This subparagraph does not preclude a manufacturer,
112 distributor, or importer, or any contracted third-party agent
113 thereof, from buying the malt beverages it provides for the
114 tasting from a vendor at no more than the retail price, but all
115 of the malt beverages so purchased and provided for the tasting
116 which remain unconsumed after the tasting must be removed from
117 the premises of the tasting and properly disposed of.

118 7. A manufacturer, distributor, or importer of malt
119 beverages that contracts with a third-party agent to conduct a

Amendment No. 1

120 malt beverage tasting under this paragraph on its behalf is
121 responsible for any violation of this section by that agent.

122 8. This paragraph does not preclude a vendor from
123 conducting a malt beverage tasting on its licensed premises
124 using malt beverages from its own inventory.

125 9. This paragraph is supplemental to and does not
126 supersede any special act or ordinance.

127 10. The division may, pursuant to ss. 561.08 and 561.11,
128 adopt rules to implement, administer, and enforce this
129 paragraph.

130 (f) A manufacturer ~~Manufacturers,~~ distributor
131 ~~distributors,~~ importer ~~importers,~~ brand owner ~~owners,~~ or brand
132 registrant ~~registrants~~ of malt beverages ~~beer,~~ and any ~~broker,~~
133 ~~sales agent,~~ or sales person thereof or contracted third-party
134 agent under paragraph (e), may shall not engage in cooperative
135 advertising with a vendor and may not name a vendor in any
136 advertising for a malt beverage tasting authorized under
137 paragraph (e) vendors.

138 (g) A distributor ~~Distributors~~ of malt beverages ~~beer~~ may
139 sell to a vendor ~~vendors~~ draft equipment and tapping accessories
140 at a price not less than the cost to the industry member who
141 initially purchased them, except there is no required charge,
142 and the ~~a~~ distributor may exchange any parts that ~~which~~ are not
143 compatible with a competitor's system and are necessary to
144 dispense the distributor's brands. A distributor of malt
145 beverages ~~beer~~ may furnish to a vendor at no charge replacement

Amendment No. 1

146 parts of nominal intrinsic value, including, but not limited to,
147 washers, gaskets, tail pieces, hoses, hose connections, clamps,
148 plungers, and tap markers.

149 Section 2. This act shall take effect July 1, 2014.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to malt beverage tastings; amending s. 561.42,

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F.S.; removing the prohibition on beer samplings at the premises

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of vendors licensed for off-premises sales only; authorizing

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malt beverage tastings on the licensed premises of certain

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vendors, subject to certain requirements, limitations,

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liabilities, and penalties; providing construction with respect

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to special acts and ordinances; authorizing rulemaking; revising

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the prohibition on cooperative advertising with a vendor and

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prohibiting certain persons from naming vendors in advertising

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for malt beverage tastings; revising language to conform

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terminology and editorial style; providing an effective date.