

Amendment No.

CHAMBER ACTION

Senate

House

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Representative La Rosa offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) 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.-

(1) No manufacturer, distributor, importer, primary American source of supply, or brand owner or registrant of any

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14 of the beverages herein referred to, whether licensed or
15 operating in this state or out-of-state, nor any broker, sales
16 agent, or sales person thereof, shall have any financial
17 interest, directly or indirectly, in the establishment or
18 business of any vendor licensed under the Beverage Law; nor
19 shall such manufacturer, distributor, importer, primary American
20 source of supply, brand owner or brand registrant, or any
21 broker, sales agent, or sales person thereof, assist any vendor
22 by any gifts or loans of money or property of any description or
23 by the giving of any rebates of any kind whatsoever. No licensed
24 vendor shall accept, directly or indirectly, any gift or loan of
25 money or property of any description or any rebates from any
26 such manufacturer, distributor, importer, primary American
27 source of supply, brand owner or brand registrant, or any
28 broker, sales agent, or sales person thereof; provided, however,
29 that this does not apply to any bottles, barrels, or other
30 containers necessary for the legitimate transportation of such
31 beverages or to advertising materials and does not apply to the
32 extension of credit, for liquors sold, made strictly in
33 compliance with the provisions of this section. A brand owner is
34 a person who is not a manufacturer, distributor, importer,
35 primary American source of supply, brand registrant, or broker,
36 sales agent, or sales person thereof, but who directly or
37 indirectly owns or controls any brand, brand name, or label of
38 alcoholic beverage. Nothing in this section shall prohibit the

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39 ownership by vendors of any brand, brand name, or label of
40 alcoholic beverage.

41 (a) A manufacturer or importer of malt beverages and a
42 vendor may enter into a written agreement for brand naming
43 rights, including the right to advertise cooperatively,
44 negotiated at arm's length for no more than fair market value
45 if:

46 1. The vendor operates places of business where
47 consumption on the premises is permitted, which premises are
48 located within a theme park complex comprised of at least 25
49 contiguous acres owned and controlled by the same business
50 entity and which contains permanent exhibitions and a variety of
51 recreational activities and has a minimum of 1 million visitors
52 annually through a controlled entrance to and exit from the
53 theme park complex.

54 2. Such brand naming rights agreement does not involve,
55 either in whole or in part, the sale or distribution of malt
56 beverages between the manufacturer or importer, or its
57 distributor, and a vendor.

58 3. The vendor does not give preferential treatment to, and
59 the manufacturer or importer does not solicit or otherwise
60 attempt to obtain preferential treatment from, the alcoholic
61 beverage brand or brands of the manufacturer or importer with
62 whom the vendor has entered into a naming rights agreement.

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63 4. Such brand naming rights agreement does not limit,
64 either directly or indirectly, the sale of alcoholic beverages
65 of another manufacturer, importer, or distributor.

66 5. A distributor does not, directly or indirectly, provide
67 any portion of the payment of the brand naming rights agreement.

68 6. Within 10 days of the execution of a written agreement
69 for brand naming rights, the vendor files with the division a
70 description of the agreement which includes the location, dates,
71 and the name of the manufacturer or importer that entered into
72 the agreement.

73 (b)1. Any person, vendor, manufacturer, or importer who,
74 through coercion or other illegal means, induces, directly or
75 indirectly, a distributor to provide any portion of the payment
76 of the brand naming rights agreement shall be guilty of a
77 misdemeanor of the of the second degree, punishable as provided
78 in s. 775.082 or s. 775.083; and shall be punished by
79 imprisonment in the county jail for a period not to exceed 6
80 months, or by a fine in an amount equal to the total value of
81 the naming rights agreement plus \$10,000, or by both
82 imprisonment and fine.

83 2. For each violation of paragraph (a), a vendor,
84 manufacturer, distributor, or importer shall be subject to
85 license suspension for 7 days, a fine in an amount not less than
86 the value of the brand naming rights agreement and, if
87 applicable, suspension of its brand registration within the

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88 state for 30 days for the brand that is the subject of the brand
89 naming rights agreement.

90 Section 2. This act shall take effect July 1, 2017.

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

94 Remove everything before the enacting clause and insert:

95 A bill to be entitled

96 An act relating to the Beverage Law; amending s.

97 561.42, F.S.; providing an exemption from provisions

98 relating to the tied house evil for specified

99 financial transactions between a manufacturer or

100 importer of malt beverages and a licensed vendor;

101 providing conditions for the exception; providing

102 penalties; providing an effective date.

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