

By Senator Bradley

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1 A bill to be entitled
2 An act relating to the Beverage Law; amending s.
3 561.42, F.S.; authorizing a malt beverage distributor
4 to give branded glassware to vendors licensed to sell
5 malt beverages for on-premises consumption; requiring
6 that the glassware bear certain branding; providing an
7 annual limit on the amount of glassware a distributor
8 may give to a vendor; prohibiting a vendor from
9 selling the branded glassware or returning it to a
10 distributor for cash, credit, or replacement; defining
11 the terms "case" and "glassware"; providing an
12 effective date.

13

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

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16 Section 1. Paragraph (a) of subsection (14) of section
17 561.42, Florida Statutes, is amended to read:

18 561.42 Tied house evil; financial aid and assistance to
19 vendor by manufacturer, distributor, importer, primary American
20 source of supply, brand owner or registrant, or any broker,
21 sales agent, or sales person thereof, prohibited; procedure for
22 enforcement; exception.—

23 (14) The division shall adopt reasonable rules governing
24 promotional displays and advertising. Such rules may, which
25 rules shall not conflict with or be more stringent than the
26 federal regulations pertaining to such promotional displays and
27 advertising furnished to vendors by distributors, manufacturers,
28 importers, primary American sources of supply, or brand owners
29 or registrants, or any sales agent or sales person thereof;

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30 however:

31 (a) If a manufacturer, distributor, importer, brand owner,
32 or brand registrant of malt beverage, or any sales agent or
33 sales person thereof, provides a vendor licensed to sell malt
34 beverages for on-premises consumption with branded expendable
35 retailer advertising specialties such as trays, coasters, mats,
36 menu cards, napkins, cups, glassware glasses, thermometers, and
37 the like, such items may be sold only at a price not less than
38 the actual cost to the industry member who initially purchased
39 them, without limitation in total dollar value of such items
40 sold to a vendor. However, a distributor that has received
41 glassware at no charge from a malt beverage manufacturer or
42 importer may give such glassware to a vendor licensed to sell
43 malt beverages for on-premises consumption. Each piece of
44 glassware given to a vendor by a distributor must bear a
45 permanent brand name intended to prominently advertise the
46 brand. A distributor may not give a vendor more than 10 cases of
47 glassware per calendar year per licensed premises. A vendor that
48 receives a gift of glassware from a distributor may not sell the
49 glassware or return it to a distributor for cash, credit, or
50 replacement. As used in this paragraph, the term:

51 1. "Case" means a box containing up to 24 pieces of
52 glassware.

53 2. "Glassware" means a single-service glass container that
54 can hold no more than 23 ounces of liquid volume.

55 (b) Without limitation in total dollar value of such items
56 provided to a vendor, a manufacturer, distributor, importer,
57 brand owner, or brand registrant of malt beverage, or any sales
58 agent or sales person thereof, may rent, loan without charge for

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59 an indefinite duration, or sell durable retailer advertising
60 specialties such as clocks, pool table lights, and the like,
61 which bear advertising matter.

62 (c) If a manufacturer, distributor, importer, brand owner,
63 or brand registrant of malt beverage, or any sales agent or
64 sales person thereof, provides a vendor with consumer
65 advertising specialties such as ashtrays, T-shirts, bottle
66 openers, shopping bags, and the like, such items may be sold
67 only at a price not less than the actual cost to the industry
68 member who initially purchased them, and may be sold without
69 limitation in total value of such items sold to a vendor.

70 (d) A manufacturer, distributor, importer, brand owner, or
71 brand registrant of malt beverage, or any sales agent or sales
72 person thereof, may provide consumer advertising specialties
73 described in paragraph (c) to consumers on any vendor's licensed
74 premises.

75 (e) A manufacturer, distributor, importer, brand owner, or
76 brand registrant of malt beverages, and any sales agent or sales
77 person thereof or contracted third-party, may not engage in
78 cooperative advertising with a vendor and may not name a vendor
79 in any advertising for a malt beverage tasting authorized under
80 s. 563.09.

81 (f) A distributor of malt beverages may sell to a vendor
82 draft equipment and tapping accessories at a price not less than
83 the cost to the industry member who initially purchased them,
84 except there is no required charge, and the distributor may
85 exchange any parts that are not compatible with a competitor's
86 system and are necessary to dispense the distributor's brands. A
87 distributor of malt beverages may furnish to a vendor at no

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88 charge replacement parts of nominal intrinsic value, including,
89 but not limited to, washers, gaskets, tail pieces, hoses, hose
90 connections, clamps, plungers, and tap markers.

91 Section 2. This act shall take effect October 1, 2018.