

By the Committee on Appropriations; and Senator Bradley

576-03577-18

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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;  
11          requiring manufacturers, importers, distributors, and  
12          vendors to maintain certain records; defining the  
13          terms "case" and "glassware"; providing an effective  
14          date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Paragraph (a) of subsection (14) of section  
19           561.42, Florida Statutes, is amended to read:

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

25           (14) The division shall adopt reasonable rules governing  
26           promotional displays and advertising. Such rules may, ~~which~~  
27           ~~rules shall~~ not conflict with or be more stringent than the  
28           federal regulations pertaining to such promotional displays and  
29           advertising furnished to vendors by distributors, manufacturers,

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30 importers, primary American sources of supply, or brand owners  
31 or registrants, or any sales agent or sales person thereof;  
32 however:

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

56 1. "Case" means a box containing up to 24 pieces of  
57 glassware.

58 2. "Glassware" means a single-service glass container that

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59 can hold no more than 23 ounces of liquid volume.

60 (b) Without limitation in total dollar value of such items  
61 provided to a vendor, a manufacturer, distributor, importer,  
62 brand owner, or brand registrant of malt beverage, or any sales  
63 agent or sales person thereof, may rent, loan without charge for  
64 an indefinite duration, or sell durable retailer advertising  
65 specialties such as clocks, pool table lights, and the like,  
66 which bear advertising matter.

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

75 (d) A manufacturer, distributor, importer, brand owner, or  
76 brand registrant of malt beverage, or any sales agent or sales  
77 person thereof, may provide consumer advertising specialties  
78 described in paragraph (c) to consumers on any vendor's licensed  
79 premises.

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

86 (f) A distributor of malt beverages may sell to a vendor  
87 draft equipment and tapping accessories at a price not less than

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88 the cost to the industry member who initially purchased them,  
89 except there is no required charge, and the distributor may  
90 exchange any parts that are not compatible with a competitor's  
91 system and are necessary to dispense the distributor's brands. A  
92 distributor of malt beverages may furnish to a vendor at no  
93 charge replacement parts of nominal intrinsic value, including,  
94 but not limited to, washers, gaskets, tail pieces, hoses, hose  
95 connections, clamps, plungers, and tap markers.

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