

By Senator Hutson

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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.; providing an exemption from provisions
4 relating to the tied house evil for specified
5 financial transactions between a manufacturer or
6 importer of malt beverages and a licensed vendor;
7 providing conditions for the exemption; prohibiting
8 the manufacturer or importer of malt beverages from
9 soliciting or receiving any portion of certain
10 payments from its distributors; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (15) is added to section 561.42,
16 Florida Statutes, to read:

17 561.42 Tied house evil; financial aid and assistance to
18 vendor by manufacturer, distributor, importer, primary American
19 source of supply, brand owner or registrant, or any broker,
20 sales agent, or sales person thereof, prohibited; procedure for
21 enforcement; exception.—

22 (15) (a) Notwithstanding any other provision of this
23 section, a manufacturer or importer of malt beverages and a
24 vendor may enter into a written agreement for brand naming
25 rights, including the right to advertise cooperatively,
26 negotiated at arm's length for no more than fair market value
27 if:

28 1. The vendor operates places of business where consumption
29 on the premises is permitted, the premises are located within a

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30 theme park complex consisting of at least 25 contiguous acres
31 owned and controlled by the same business entity, and the
32 complex contains permanent exhibitions and a variety of
33 recreational activities and has a minimum of 1 million visitors
34 annually through a controlled entrance to and exit from the
35 theme park complex;

36 2. Such agreement does not involve, either in whole or in
37 part, the sale or distribution of malt beverages between the
38 manufacturer or importer, or its distributor, and a vendor;

39 3. The vendor does not give preferential treatment to the
40 alcoholic beverage brand or brands of the manufacturer or
41 importer with whom the vendor has entered into such agreement;

42 4. Such agreement does not limit, either directly or
43 indirectly, the sale of alcoholic beverages of another
44 manufacturer or importer, or distributor; and

45 5. Within 10 days after the execution of such agreement,
46 the vendor files with the division a description of the
47 agreement which includes the location, dates, and the name of
48 the manufacturer or importer that entered into the agreement.

49 (b) A manufacturer or importer of malt beverages which is a
50 party to a brand naming rights agreement may not, either
51 directly or indirectly, solicit or receive from any of its
52 distributors any portion of the payment due from the
53 manufacturer or importer of malt beverages to the vendor
54 pursuant to such agreement.

55 Section 2. This act shall take effect July 1, 2018.