

1                   A bill to be entitled  
2           An act relating to alcoholic beverages;  
3           amending s. 561.01, F.S.; revising the  
4           definition of the term "discount in the usual  
5           course of business"; providing that  
6           distributors may charge different malt beverage  
7           prices under certain circumstances; providing  
8           severability; providing an effective date.  
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10 Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Subsection (10) of section 561.01, Florida  
13 Statutes, is amended to read:

14           561.01 Definitions.--As used in the Beverage Law:

15           (10) "Discount in the usual course of business" means  
16 a cash or spirituous or vinous beverage merchandise discount  
17 given pursuant to an agreement made at the time of sale.  
18 However, such agreement shall not result in an accrued,  
19 accumulated, or retroactive discount. The same discounts  
20 shall be offered to all vendors of the same license series or  
21 type buying similar quantities. Any discount which is in  
22 violation of this section shall be considered an arrangement  
23 for financial assistance by gift.

24           Section 2. Nothing in the Beverage Law shall prohibit  
25 licensed distributors of malt beverages from charging  
26 different malt beverage prices according to county, according  
27 to the branch of a distributor's parent place of business,  
28 according to whether a vendor sells malt beverages on premises  
29 or off premises, or according to quantity sold, as long as the  
30 price differentials are filed in advance with the Department  
31 of Business and Professional Regulation as provided by rule.

1           Section 3. If any provision of this act or the  
2 application thereof to any person or circumstance is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the act which can be given effect without the  
5 invalid provision or application, and to this end the  
6 provisions of this act are declared severable.

7           Section 4. This act shall take effect upon becoming a  
8 law.

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