

By Senator Haridopolos

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See HB

1 A bill to be entitled
 2 An act relating to consumer malt beverage
 3 tasting events; creating s. 563.09, F.S.;
 4 specifying certain operating requirements and
 5 limitations on consumer malt beverage tasting
 6 events; providing an effective date.

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

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 10 Section 1. Section 563.09, Florida Statutes, is
 11 created to read:

12 563.09 Consumer malt beverage tasting events;
 13 operating requirements and limitations.--

14 (1) All participants in any consumer malt beverage
 15 tasting event must be of legal drinking age. This section
 16 applies to all malt beverages containing alcohol of less than
 17 6 percent by volume.

18 (2) The size of each tasting sample must not exceed 3
 19 ounces for each malt beverage. No more than four different
 20 brands may be served at any one tasting event.

21 (3) All tasting events must be conducted during times
 22 when it is legal to sell alcohol on the licensed vendor's
 23 premises. No tasting event shall exceed a period of 3
 24 continuous hours.

25 (4) Any off-premises vendor who conducts tasting
 26 events or who allows manufacturers to conduct tasting events
 27 on its retail premises must identify a specific tasting area
 28 or areas. Customers must remain in designated tasting areas
 29 until they have finished consuming the sample.

30 (5) A manufacturer may not conduct or pay for more
 31 than one tasting event at any one vendor's location per month,

1 including any tasting that is conducted by a third-party
2 agency on behalf of the manufacturer. A vendor, at its own
3 cost, may conduct unlimited tasting events.

4 (6) A manufacturer or vendor may use its own employees
5 to conduct tasting events or hire third-party agency personnel
6 to serve on its behalf. The manufacturer may not compensate
7 any employee or agent of the vendor or any distributor for
8 participating in the tasting event.

9 (7) A manufacturer facilitating the tasting event must
10 keep a record of each event the manufacturer conducts or pays
11 a third party to conduct on its behalf. The record shall
12 include the date and time of each event, the products served,
13 and the names of any servers.

14 (8) All malt beverages shall be dispensed from their
15 original containers, prepared by the manufacturer, with labels
16 that are visible to the consumer. The manufacturer or any
17 third-party agency representing the manufacturer has the right
18 to conduct tasting events only for products that they own.
19 Manufacturers and third-party agencies may not facilitate the
20 tasting of products that they do not own for the purpose of
21 comparison.

22 (9) Any product to be sampled must:

23 (a) Not exceed 864 ounces or 3 cases, whichever is
24 less, of any one product sampled at any given tasting,
25 regardless of which vendor is conducting the tasting.

26 (b) Be purchased by the manufacturer, or third-party
27 agency representing the manufacturer, from the vendor where
28 the tasting is to be conducted. The vendor must sell the
29 manufacturer or third-party agency conducting the tasting all
30 the products to be sampled for the same cost that the vendor
31 paid for the products.

1 (c) Upon the end of each tasting, be removed from the
2 vendor's premises by the manufacturer or third-party agency
3 who purchased the product for the tasting.

4 (10) A manufacturer shall not reimburse a vendor for
5 sample products used during a vendor-conducted tasting event.

6 (11) A vendor may advertise the tasting event inside
7 the licensed premises or use any other method of communication
8 that is currently legal to advertise alcoholic beverages on or
9 off the premises, including, but not limited to, direct
10 mailers, flyers, or television or radio spots that the vendor
11 pays 100 percent of the cost to circulate or air. A
12 manufacturer or distributor, or a third-party agency of the
13 manufacturer or distributor, may not pay for the advertising
14 or participate in the circulation or broadcast of information
15 regarding a vendor's tasting event.

16 Section 2. This act shall take effect upon becoming a
17 law.

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