

HB 0949

2004

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

6  
 7   Be It Enacted by the Legislature of the State of Florida:

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

11           563.09 Consumer malt beverage tasting events; operating  
 12          requirements and limitations.--

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

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

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

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

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

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

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

38 (7) A manufacturer facilitating the tasting event must  
39 keep a record of each event the manufacturer conducts or pays a  
40 third party to conduct on its behalf. The record shall include  
41 the date and time of each event, the products served, and the  
42 names of any servers.

43 (8) All malt beverages shall be dispensed from their  
44 original containers, prepared by the manufacturer, with labels  
45 that are visible to the consumer. The manufacturer or any third-  
46 party agency representing the manufacturer has the right to  
47 conduct tasting events only for products that they own.  
48 Manufacturers and third-party agencies may not facilitate the  
49 tasting of products that they do not own for the purpose of  
50 comparison.

51 (9) Any product to be sampled must:

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

55 (b) Be purchased by the manufacturer, or third-party  
56 agency representing the manufacturer, from the vendor where the  
57 tasting is to be conducted. The vendor must sell the  
58 manufacturer or third-party agency conducting the tasting all

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59 the products to be sampled for the same cost that the vendor  
60 paid for the products.

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

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

66 (11) A vendor may advertise the tasting event inside the  
67 licensed premises or use any other method of communication that  
68 is currently legal to advertise alcoholic beverages on or off  
69 the premises, including, but not limited to, direct mailers,  
70 flyers, or television or radio spots that the vendor pays 100  
71 percent of the cost to circulate or air. A manufacturer or  
72 distributor, or a third-party agency of the manufacturer or  
73 distributor, may not pay for the advertising or participate in  
74 the circulation or broadcast of information regarding a vendor's  
75 tasting event.

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