

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Business & Professional
2 Regulation Subcommittee
3 Representative Holder offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Subsections (8) and (12) of section 561.42,
8 Florida Statutes, are amended to read:

9 561.42 Tied house evil; financial aid and assistance to
10 vendor by manufacturer, distributor, importer, primary American
11 source of supply, brand owner or registrant, or any broker,
12 sales agent, or sales person thereof, prohibited; procedure for
13 enforcement; exception.-

14 (8) The division may adopt ~~establish~~ rules and require
15 reports to enforce, and may impose administrative sanctions for
16 any violation of, the limitations established in this section
17 ~~herein-established limitation~~ upon credits, coupons, and other
18 forms of assistance. ~~Nothing herein shall be taken to affect the~~

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19 ~~provisions of s. 563.08, but shall govern all other sales of~~
20 ~~intoxicating liquors.~~

21 (12) Any manufacturer, distributor, importer, primary
22 American source of supply, or brand owner or registrant, or any
23 broker, sales agent, or sales person thereof, may give, lend,
24 furnish, or sell to a vendor who sells the products of such
25 manufacturer, distributor, importer, primary American source of
26 supply, or brand owner or registrant any of the following: neon
27 or electric signs, window painting and decalcomanias, posters,
28 placards, and other advertising material herein authorized to be
29 used or displayed by the vendor in the interior of his or her
30 licensed premises.

31 (13) A licensee under the Beverage Law may not possess in
32 the state, or electronically use, any type of coupon for malt
33 beverages, including, but not limited to, barcode scans and
34 cross-merchandising coupons, where:

35 (a) The coupon is produced, sponsored, or furnished,
36 whether directly or indirectly, by an alcohol beverage
37 manufacturer, distributor, importer, brand owner, or brand
38 registrant or any broker, sales agent, or sales person thereof;
39 and

40 (b) The coupon is or purports to be redeemable by a vendor
41 or other person who sells malt beverages to consumers in the
42 state.

43 (14) The division shall adopt ~~make~~ reasonable rules
44 governing promotional displays and advertising, which rules
45 shall not conflict with or be more stringent than the federal
46 regulations pertaining to such promotional displays and

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47 advertising furnished to vendors by distributors, manufacturers,
48 importers, primary American sources of supply, or brand owners
49 or registrants, or any broker, sales agent, or sales person
50 thereof; provided, however, that:

51 (a) If a manufacturer, distributor, importer, brand owner,
52 or brand registrant of malt beverage, or any broker, sales
53 agent, or sales person thereof, provides a vendor with
54 expendable retailer advertising specialties such as trays,
55 coasters, mats, menu cards, napkins, cups, glasses,
56 thermometers, and the like, such items shall be sold at a price
57 not less than the actual cost to the industry member who
58 initially purchased them, without limitation in total dollar
59 value of such items sold to a vendor.

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
63 broker, sales agent, or sales person thereof, may rent, loan
64 without charge for an indefinite duration, or sell durable
65 retailer advertising specialties such as clocks, pool table
66 lights, and the like, which bear advertising matter.

67 (c) If a manufacturer, distributor, importer, brand owner,
68 or brand registrant of malt beverage, or any broker, sales
69 agent, or 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 shall be sold
72 at a price not less than the actual cost to the industry member
73 who initially purchased them, but may be sold without limitation
74 in total value of such items sold to a vendor.

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

80 ~~(e) Coupons redeemable by vendors shall not be furnished~~
81 ~~by distributors of beer to consumers.~~

82 (e) ~~(f)~~ Manufacturers, distributors, importers, brand
83 owners, or brand registrants of beer, and any broker, sales
84 agent, or sales person thereof, shall not conduct any sampling
85 activities that include tasting of their product at a vendor's
86 premises licensed for off-premises sales only.

87 (f) ~~(g)~~ Manufacturers, distributors, importers, brand
88 owners, or brand registrants of beer, and any broker, sales
89 agent, or sales person thereof, shall not engage in cooperative
90 advertising with vendors.

91 (g) ~~(h)~~ Distributors of beer may sell to vendors draft
92 equipment and tapping accessories at a price not less than the
93 cost to the industry member who initially purchased them, except
94 there is no required charge, and a distributor may exchange any
95 parts which are not compatible with a competitor's system and
96 are necessary to dispense the distributor's brands. A
97 distributor of beer may furnish to a vendor at no charge
98 replacement parts of nominal intrinsic value, including, but not
99 limited to, washers, gaskets, tail pieces, hoses, hose
100 connections, clamps, plungers, and tap markers.

101 Section 2. This act shall take effect July 1, 2013.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Beverage Law; amending s.
561.42, F.S.; authorizing the Division of Alcoholic
Beverages and Tobacco of the Department of Business
and Professional Regulation to impose administrative
sanctions for violations of specified provisions of
the Beverage Law that limit manufacturers,
distributors, importers, brand owners, brand
registrants, and certain other persons from furnishing
credits, coupons, and other forms of financial
assistance to vendors; prohibiting licensees from
possessing or electronically using certain coupons for
malt beverages; deleting provisions restricting
distributors of beer from furnishing certain coupons
to consumers; providing an effective date.