



482782

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2013	.	
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The Committee on Regulated Industries (Thrasher) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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



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13 (8) The division may establish rules and require reports to  
14 enforce and impose administrative sanctions for any violation of  
15 the herein-established limitation upon credits, coupons, and  
16 other forms of assistance in this section. ~~Nothing herein shall~~  
17 ~~be taken to affect the provisions of s. 563.08, but shall govern~~  
18 ~~all other sales of intoxicating liquors.~~

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

29 (13) A licensee under the Beverage Law may not possess or  
30 use, in physical or electronic format, any type of malt beverage  
31 coupon, or malt beverage cross-merchandising coupon, in this  
32 state, where:

33 (a) The coupon is produced, sponsored, or furnished,  
34 directly or indirectly, by an alcoholic beverage manufacturer,  
35 distributor, importer, brand owner, brand registrant, broker,  
36 sales agent, or sales person thereof; and

37 (b) The coupon is or purports to be redeemable by a vendor  
38 or other person who sells malt beverages to consumers in this  
39 state.

40 (14) The division shall adopt ~~make~~ reasonable rules  
41 governing promotional displays and advertising, ~~which rules may~~



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42 ~~shall~~ not conflict with or be more stringent than the federal  
43 regulations pertaining to such promotional displays and  
44 advertising furnished to vendors by distributors, manufacturers,  
45 importers, primary American sources of supply, or brand owners  
46 or registrants, or a ~~any~~ broker, sales agent, or sales person  
47 thereof; provided, however, that:

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

57 (b) Without limitation in total dollar value of such items  
58 provided to a vendor, a manufacturer, distributor, importer,  
59 brand owner, or brand registrant of malt beverage, or a ~~any~~  
60 broker, sales agent, or sales person thereof, may rent, loan  
61 without charge for an indefinite duration, or sell durable  
62 retailer advertising specialties such as clocks, pool table  
63 lights, and the like, which bear advertising matter.

64 (c) If a manufacturer, distributor, importer, brand owner,  
65 or brand registrant of malt beverage, or a ~~any~~ broker, sales  
66 agent, or sales person thereof, provides a vendor with consumer  
67 advertising specialties such as ashtrays, T-shirts, bottle  
68 openers, shopping bags, and the like, such items shall be sold  
69 at a price not less than the actual cost to the industry member  
70 who initially purchased them, but may be sold without limitation



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71 in total value of such items sold to a vendor.

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

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

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

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

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

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

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

101 And the title is amended as follows:

102       Delete everything before the enacting clause

103 and insert:

104                       A bill to be entitled

105       An act relating to tied house regulation; amending s.

106       561.42, F.S.; authorizing the Division of Alcoholic

107       Beverages and Tobacco of the Department of Business

108       and Professional Regulation to impose administrative

109       sanctions for certain violations relating to coupons

110       redeemable by vendors; providing an exception;

111       prohibiting licensees under the Beverage Law from

112       possessing or using certain coupons involving malt

113       beverages; conforming provisions; providing an

114       effective date.