

By the Committee on Regulated Industries; and Senator Thrasher

580-02405-13

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1 A bill to be entitled

2 An act relating to tied house regulation; amending s.  
3 561.42, F.S.; authorizing the Division of Alcoholic  
4 Beverages and Tobacco of the Department of Business  
5 and Professional Regulation to impose administrative  
6 sanctions for certain violations relating to coupons  
7 redeemable by vendors; providing an exception;  
8 prohibiting licensees under the Beverage Law from  
9 possessing or using certain coupons involving malt  
10 beverages; conforming provisions; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Subsections (8) and (12) of section 561.42,  
16 Florida Statutes, are amended to read:

17 561.42 Tied house evil; financial aid and assistance to  
18 vendor by manufacturer, distributor, importer, primary American  
19 source of supply, brand owner or registrant, or any broker,  
20 sales agent, or sales person thereof, prohibited; procedure for  
21 enforcement; exception.—

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

28 (12) A ~~Any~~ manufacturer, distributor, importer, primary  
29 American source of supply, or brand owner or registrant, or a

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30 ~~any~~ broker, sales agent, or sales person thereof, may give,  
31 lend, furnish, or sell to a vendor who sells the products of  
32 such manufacturer, distributor, importer, primary American  
33 source of supply, or brand owner or registrant any of the  
34 following: neon or electric signs, window painting and  
35 decalcomanias, posters, placards, and other advertising material  
36 herein authorized to be used or displayed by the vendor in the  
37 interior of his or her licensed premises.

38 (13) A licensee under the Beverage Law may not possess or  
39 use, in physical or electronic format, any type of malt beverage  
40 coupon, or malt beverage cross-merchandising coupon, in this  
41 state, if:

42 (a) The coupon is produced, sponsored, or furnished,  
43 directly or indirectly, by an alcoholic beverage manufacturer,  
44 distributor, importer, brand owner, brand registrant, broker,  
45 sales agent, or sales person thereof; and

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

49 (14) The division shall adopt ~~make~~ reasonable rules  
50 governing promotional displays and advertising, which ~~rules~~ may  
51 ~~shall~~ not conflict with or be more stringent than the federal  
52 regulations pertaining to such promotional displays and  
53 advertising furnished to vendors by distributors, manufacturers,  
54 importers, primary American sources of supply, or brand owners  
55 or registrants, or a ~~any~~ broker, sales agent, or sales person  
56 thereof; provided, however, that:

57 (a) If a manufacturer, distributor, importer, brand owner,  
58 or brand registrant of malt beverage, or a ~~any~~ broker, sales

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59 agent, or sales person thereof, provides a vendor with  
60 expendable retailer advertising specialties such as trays,  
61 coasters, mats, menu cards, napkins, cups, glasses,  
62 thermometers, and the like, such items shall be sold at a price  
63 not less than the actual cost to the industry member who  
64 initially purchased them, without limitation in total dollar  
65 value of such items sold to a vendor.

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

73 (c) If a manufacturer, distributor, importer, brand owner,  
74 or brand registrant of malt beverage, or a ~~any~~ broker, sales  
75 agent, or sales person thereof, provides a vendor with consumer  
76 advertising specialties such as ashtrays, T-shirts, bottle  
77 openers, shopping bags, and the like, such items shall be sold  
78 at a price not less than the actual cost to the industry member  
79 who initially purchased them, but may be sold without limitation  
80 in total value of such items sold to a vendor.

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

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

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

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

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

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