

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Business & Professional
 2 Regulation Subcommittee
 3 Representative Passidomo offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (14) of section 561.42, Florida
 8 Statutes, is 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 (14) The division shall adopt reasonable rules governing
 15 promotional displays and advertising, which rules may ~~shall~~ not
 16 conflict with or be more stringent than the federal regulations
 17 pertaining to such promotional displays and advertising

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18 furnished to vendors by distributors, manufacturers, importers,
19 primary American sources of supply, or brand owners or
20 registrants, or any broker, sales agent, or sales person
21 thereof; however:

22 (a) If a manufacturer, distributor, importer, brand owner,
23 or brand registrant of malt beverage, or any ~~broker,~~ sales
24 agent, or sales person thereof, provides a vendor with
25 expendable retailer advertising specialties such as trays,
26 coasters, mats, menu cards, napkins, cups, glasses,
27 thermometers, and the like, such items may ~~shall~~ be sold only at
28 a price not less than the actual cost to the industry member who
29 initially purchased them, without limitation in total dollar
30 value of such items sold to a vendor.

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

38 (c) If a manufacturer, distributor, importer, brand owner,
39 or brand registrant of malt beverage, or any ~~broker,~~ sales
40 agent, or sales person thereof, provides a vendor with consumer
41 advertising specialties such as ashtrays, T-shirts, bottle
42 openers, shopping bags, and the like, such items may ~~shall~~ be
43 sold only at a price not less than the actual cost to the

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44 industry member who initially purchased them, and ~~but~~ may be
45 sold without limitation in total value of such items sold to a
46 vendor.

47 (d) A manufacturer, distributor, importer, brand owner, or
48 brand registrant of malt beverage, or any ~~broker,~~ sales agent,
49 or sales person thereof, may provide consumer advertising
50 specialties described in paragraph (c) to consumers on any
51 vendor's licensed premises.

52 (e) 1. A manufacturer, distributor, or importer of malt
53 beverages, or any contracted third-party agent thereof, may
54 ~~Manufacturers, distributors, importers, brand owners, or brand~~
55 ~~registrants of beer, and any broker, sales agent, or sales~~
56 ~~person thereof, shall not~~ conduct any sampling activities that
57 include the tasting of malt beverage products on the licensed
58 premises of any vendor authorized to sell alcoholic beverages by
59 the drink for consumption on premises, or on the licensed
60 premises of any vendor authorized to sell alcoholic beverages
61 only in sealed containers for consumption off premises if the
62 licensed premises is at an establishment having at least 10,000
63 square feet of interior floor space exclusive of storage space
64 not open to the general public or is a package store licensed
65 under s. 565.02(1)(a) regardless of square footage ~~their product~~
66 ~~at a vendor's premises licensed for off-premises sales only.~~

67 2. A malt beverage tasting conducted under this paragraph
68 must be limited to and directed toward the general public of the
69 age of legal consumption.

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70 3. For a malt beverage tasting conducted under this
71 paragraph on the licensed premises of a vendor authorized to
72 sell alcoholic beverages for consumption on premises, each
73 serving of a malt beverage to be tasted must be provided to the
74 consumer by the drink in a tasting cup, glass, or other open
75 container and may not be provided by the package in an unopened
76 can or bottle or in any other sealed container.

77 4. For a malt beverage tasting conducted under this
78 paragraph on the licensed premises of a vendor authorized to
79 sell alcoholic beverages only in sealed containers for
80 consumption off premises, the tasting must be conducted in the
81 interior of the building constituting the vendor's licensed
82 premises and each serving of a malt beverage to be tasted must
83 be provided to the consumer in a tasting cup having a capacity
84 of 3 ounces or less.

85 5. A manufacturer, distributor, or importer, or any
86 contracted third-party agent thereof, may not pay a vendor a fee
87 or compensation of any kind, including the provision of any malt
88 beverage at no or reduced cost, to authorize the conduct of a
89 malt beverage tasting under this paragraph, violation of which
90 constitutes a violation of s. 561.42.

91 6.a. A manufacturer, distributor, or importer, or any
92 contracted third-party agent thereof, conducting a malt beverage
93 tasting under this paragraph must provide all of the beverages
94 to be tasted, the total volume of which for all tastings
95 conducted by all manufacturers, distributors, and importers on a

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96 vendor's licensed premises on any one day may not exceed 576
97 ounces; must have paid all excise taxes on those beverages which
98 are required of the manufacturer or distributor; and must return
99 to the manufacturer's or distributor's inventory all of the malt
100 beverages provided for the tasting that remain unconsumed after
101 the tasting.

102 b. Any samples of malt beverages provided to a vendor by a
103 manufacturer, distributor, or importer, or any contracted third-
104 party agent thereof, in conjunction with or at the time of a
105 tasting conducted under this paragraph on the licensed premises
106 of that vendor are subject to the volume limit for that premises
107 set forth under sub-subparagraph a.

108 c. This subparagraph does not preclude a manufacturer,
109 distributor, or importer, or any contracted third-party agent
110 thereof, from buying the malt beverages it provides for the
111 tasting from a vendor at no more than the retail price, but all
112 of the malt beverages so purchased and provided for the tasting
113 which remain unconsumed after the tasting must be removed from
114 the premises of the tasting and properly disposed of.

115 7. A manufacturer, distributor, or importer of malt
116 beverages that contracts with a third-party agent to conduct a
117 malt beverage tasting under this paragraph on its behalf is
118 responsible for any recordkeeping requirements under this
119 paragraph with respect to that agent and any violation of this
120 section by that agent.

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121 8. This paragraph does not preclude a vendor from
122 conducting a malt beverage tasting on its licensed premises
123 using malt beverages from its own inventory.

124 9. This paragraph is supplemental to and does not
125 supersede any special act or ordinance.

126 10. The division may, pursuant to ss. 561.08 and 561.11,
127 adopt rules to implement, administer, and enforce this
128 paragraph.

129 (f) A manufacturer ~~Manufacturers,~~ distributor
130 ~~distributors,~~ importer ~~importers,~~ brand owner ~~owners,~~ or brand
131 registrant ~~registrants~~ of malt beverages ~~beer,~~ and any ~~broker,~~
132 sales agent, or sales person thereof or contracted third-party
133 agent under paragraph (e), may shall not engage in cooperative
134 advertising with a vendor and may not pay for advertising that
135 names a vendor under the guise of advertising a tasting of malt
136 beverages ~~vendors.~~

137 (g) A distributor ~~Distributors~~ of malt beverages ~~beer~~ may
138 sell to a vendor ~~vendors~~ draft equipment and tapping accessories
139 at a price not less than the cost to the industry member who
140 initially purchased them, except there is no required charge,
141 and the ~~a~~ distributor may exchange any parts that ~~which~~ are not
142 compatible with a competitor's system and are necessary to
143 dispense the distributor's brands. A distributor of malt
144 beverages ~~beer~~ may furnish to a vendor at no charge replacement
145 parts of nominal intrinsic value, including, but not limited to,
146 washers, gaskets, tail pieces, hoses, hose connections, clamps,

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147 plungers, and tap markers.

148 Section 2. This act shall take effect August 15, 2014.

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

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to malt beverage tastings; amending s. 561.42,

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F.S.; removing the prohibition on beer samplings at the premises

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of vendors licensed for off-premises sales only; authorizing

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malt beverage tastings on the licensed premises of certain

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vendors, subject to certain requirements, limitations,

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liabilities, and penalties; providing construction with respect

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to special acts and ordinances; authorizing rulemaking;

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expanding the prohibition on cooperative advertising with a

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vendor to prohibit certain persons from paying for advertising

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that names a vendor under the guise of advertising a tasting of

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malt beverages; revising language to conform terminology and

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editorial style; providing an effective date.