



404640

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
	.	
	.	
	.	

The Committee on Community Affairs (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (14) of section 561.42, Florida
Statutes, is 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



404640

11 enforcement; exception.-

12 (14) The division shall adopt reasonable rules governing
13 promotional displays and advertising, which rules may ~~shall~~ not
14 conflict with or be more stringent than the federal regulations
15 pertaining to such promotional displays and advertising
16 furnished to vendors by distributors, manufacturers, importers,
17 primary American sources of supply, or brand owners or
18 registrants, or any broker, sales agent, or sales person
19 thereof; however:

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

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

36 (c) If a manufacturer, distributor, importer, brand owner,
37 or brand registrant of malt beverage, or any ~~broker,~~ sales
38 agent, or sales person thereof, provides a vendor with consumer
39 advertising specialties such as ashtrays, T-shirts, bottle



404640

40 openers, shopping bags, and the like, such items may ~~shall~~ be
41 sold only at a price not less than the actual cost to the
42 industry member who initially purchased them, and ~~but~~ may be
43 sold without limitation in total value of such items sold to a
44 vendor.

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

50 (e) 1. A manufacturer, distributor, or importer of malt
51 beverages, or any contracted third-party agent thereof, may
52 ~~Manufacturers, distributors, importers, brand owners, or brand~~
53 ~~registrants of beer, and any broker, sales agent, or sales~~
54 ~~person thereof, shall not~~ conduct any sampling activities that
55 include the tasting of malt beverage products on:

56 a. The licensed premises of any vendor authorized to sell
57 alcoholic beverages by the drink for consumption on premises; or

58 b. The licensed premises of any vendor authorized to sell
59 alcoholic beverages only in sealed containers for consumption
60 off premises if:

61 (I) The licensed premises is at an establishment having at
62 least 10,000 square feet of interior floor space exclusive of
63 storage space not open to the general public; or

64 (II) The licensed premises is a package store licensed
65 under s. 565.02(1)(a) ~~their product at a vendor's premises~~
66 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



404640

69 age of legal consumption.

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 3.5 ounces or less.

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

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 per tasting may not
95 exceed 576 ounces; must have paid all excise taxes on those
96 beverages which are required of the manufacturer or distributor;
97 and must return to the manufacturer's or distributor's inventory



404640

98 all of the malt beverages provided for the tasting that remain
99 unconsumed after the tasting. More than one tasting may be held
100 on the licensed premises each day, but only one manufacturer,
101 distributor, importer, or contracted third-party agent thereof,
102 may conduct a tasting on the premises at any one time.

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

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

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

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

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

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



404640

127 paragraph.

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

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

146 Section 2. This act shall take effect July 1, 2014.

147
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause
151 and insert:

152 A bill to be entitled
153 An act relating to malt beverage tastings; amending s.
154 561.42, F.S.; removing the prohibition on beer
155 samplings at the premises of vendors licensed for off-



404640

156 premises sales only; authorizing malt beverage
157 tastings on the licensed premises of certain vendors,
158 subject to certain requirements, limitations,
159 liabilities, and penalties; providing construction
160 with respect to special acts and ordinances;
161 authorizing rulemaking; revising the prohibition on
162 cooperative advertising with a vendor and prohibiting
163 certain persons from naming vendors in advertising for
164 malt beverage tastings; revising language to conform
165 terminology and editorial style; providing an
166 effective date.