

Amendment No. a2

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WITHDRAWN	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: Regulatory Affairs  
2 Committee

3 Representative Diaz, J. offered the following:

4  
5 **Amendment to Amendment (069599) by Representative Steube**  
6 **(with title amendment)**

7 Between lines 29 and 30 of the amendment, insert:

8 Section 2. Section 563.09, Florida Statutes, is created to  
9 read:

10 563.09 Malt beverage tastings by distributors and  
11 manufacturers.-

12 (1) A manufacturer, distributor, or importer of malt  
13 beverages, or any contracted third-party agent thereof, may  
14 conduct sampling activities that include the tasting of malt  
15 beverage products on:

16 (a) The licensed premises of a vendor authorized to sell  
17 alcoholic beverages by the drink for consumption on premises; or

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18 (b) The licensed premises of a vendor authorized to sell  
19 alcoholic beverages only in sealed containers for consumption  
20 off premises if:

21 1. The licensed premises is at an establishment with at  
22 least 10,000 square feet of interior floor space exclusive of  
23 storage space not open to the general public; or

24 2. The licensed premises is a package store licensed under  
25 s. 565.02(1) (a).

26 (2) A malt beverage tasting conducted under this section  
27 must be limited to and directed toward the general public of the  
28 age of legal consumption.

29 (3) For a malt beverage tasting conducted under this  
30 section on the licensed premises of a vendor authorized to sell  
31 alcoholic beverages for consumption on premises, each serving of  
32 a malt beverage to be tasted must be provided to the consumer by  
33 the drink in a tasting cup, glass, or other open container and  
34 may not be provided by the package in an unopened can or bottle  
35 or in any other sealed container.

36 (4) For a malt beverage tasting conducted under this  
37 section on the licensed premises of a vendor authorized to sell  
38 alcoholic beverages only in sealed containers for consumption  
39 off premises, the tasting must be conducted in the interior of  
40 the building constituting the vendor's licensed premises and  
41 each serving of a malt beverage to be tasted must be provided to  
42 the consumer in a tasting cup having a capacity of 3.5 ounces or  
43 less.

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44 (5) A manufacturer, distributor, or importer, or any  
45 contracted third-party agent thereof, may not pay a vendor, and  
46 a vendor may not accept, a fee or compensation of any kind,  
47 including the provision of a malt beverage at no cost or at a  
48 reduced cost, to authorize the conduct of a malt beverage  
49 tasting under this section.

50 (6) (a) A manufacturer, distributor, or importer, or any  
51 contracted third-party agent thereof, conducting a malt beverage  
52 tasting under this section, must provide all of the beverages to  
53 be tasted; must have paid all excise taxes on those beverages  
54 which are required of the manufacturer or distributor; and must  
55 return to the manufacturer's or distributor's inventory all of  
56 the malt beverages provided for the tasting that remain  
57 unconsumed after the tasting. More than one tasting may be held  
58 on the licensed premises each day, but only one manufacturer,  
59 distributor, importer, or contracted third-party agent thereof,  
60 may conduct a tasting on the premises at any one time.

61 (b) This subsection does not preclude a manufacturer,  
62 distributor, or importer, or any contracted third-party agent  
63 thereof, from buying the malt beverages that it provides for the  
64 tasting from a vendor at no more than the retail price, but all  
65 of the malt beverages so purchased and provided for the tasting  
66 which remain unconsumed after the tasting must be removed from  
67 the premises of the tasting and properly disposed of.

68 (7) A manufacturer, distributor, or importer of malt  
69 beverages that contracts with a third-party agent to conduct a

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70 malt beverage tasting under this section on its behalf is  
71 responsible for any violation of this section by such agent.

72 (8) This section does not preclude a vendor from conducting  
73 a malt beverage tasting on its licensed premises using malt  
74 beverages from its own inventory.

75 (9) This section is supplemental to and does not supersede  
76 any special act or ordinance.

77 (10) The division may, pursuant to ss. 561.08 and 561.11, adopt  
78 rules to implement, administer, and enforce this section.

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**T I T L E   A M E N D M E N T**

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Remove line 272 of the amendment and insert:

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F.S.; conforming provisions; creating s. 563.09, F.S.;

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authorizing a licensed manufacturer, distributor, or importer of

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malt beverages to conduct a malt beverage tasting; providing

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requirements and limitations; amending s. 565.02, F.S.; creating