

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | ___ | (Y/N) |
| ADOPTED AS AMENDED | ___ | (Y/N) |
| ADOPTED W/O OBJECTION | ___ | (Y/N) |
| FAILED TO ADOPT | ___ | (Y/N) |
| WITHDRAWN | ___ | (Y/N) |
| OTHER | _____ | |

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative La Rosa offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 561.42, Florida
7 Statutes, is amended to read:

8 561.42 Tied house evil; financial aid and assistance to
9 vendor by manufacturer, distributor, importer, primary American
10 source of supply, brand owner or registrant, or any broker,
11 sales agent, or sales person thereof, prohibited; procedure for
12 enforcement; exception.-

13 (1) No manufacturer, distributor, importer, primary
14 American source of supply, or brand owner or registrant of any
15 of the beverages herein referred to, whether licensed or
16 operating in this state or out-of-state, nor any broker, sales

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17 agent, or sales person thereof, shall have any financial
18 interest, directly or indirectly, in the establishment or
19 business of any vendor licensed under the Beverage Law; nor
20 shall such manufacturer, distributor, importer, primary American
21 source of supply, brand owner or brand registrant, or any
22 broker, sales agent, or sales person thereof, assist any vendor
23 by any gifts or loans of money or property of any description or
24 by the giving of any rebates of any kind whatsoever. No licensed
25 vendor shall accept, directly or indirectly, any gift or loan of
26 money or property of any description or any rebates from any
27 such manufacturer, distributor, importer, primary American
28 source of supply, brand owner or brand registrant, or any
29 broker, sales agent, or sales person thereof; provided, however,
30 that this does not apply to any bottles, barrels, or other
31 containers necessary for the legitimate transportation of such
32 beverages or to advertising materials and does not apply to the
33 extension of credit, for liquors sold, made strictly in
34 compliance with the provisions of this section. A brand owner is
35 a person who is not a manufacturer, distributor, importer,
36 primary American source of supply, brand registrant, or broker,
37 sales agent, or sales person thereof, but who directly or
38 indirectly owns or controls any brand, brand name, or label of
39 alcoholic beverage. Nothing in this section shall prohibit the
40 ownership by vendors of any brand, brand name, or label of
41 alcoholic beverage.

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42 (a) A manufacturer or importer of malt beverages and a
43 vendor may enter into a written brand naming rights agreement
44 negotiated at arm's length for no more than fair market value
45 if:

46 1. The vendor operates places of business where
47 consumption on the premises is permitted, which premises are
48 located within a theme park complex comprised of at least 25
49 contiguous acres owned and controlled by the same business
50 entity and which contains permanent exhibitions and a variety of
51 recreational activities and has a minimum of 1 million paid
52 admission visitors annually through a controlled entrance to and
53 exit from the theme park complex;

54 2. Such brand naming rights agreement does not involve,
55 either in whole or in part, the sale or distribution of malt
56 beverages between the manufacturer or importer, or its
57 distributor, and a vendor;

58 3. The vendor does not give preferential treatment to the
59 alcoholic beverage brand or brands of the naming rights
60 manufacturer or importer;

61 4. Such brand naming rights agreement does not limit,
62 either directly or indirectly, the sale of alcoholic beverages
63 from another manufacturer, importer or distributor;

64 5. A distributor does not, directly or indirectly, pay any
65 portion of the brand naming rights agreement; and

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66 6. The vendor files with the division, at least ninety
67 days in advance, a description of the written brand naming
68 rights agreement which includes the location, dates, and the
69 name of the manufacturer or importer that entered into the
70 agreement.

71 (b)1. Any person, vendor, manufacturer or importer who,
72 through coercion or other illegal means, induces, directly or
73 indirectly, a distributor to provide payment under subsection 5.
74 shall be guilty of a misdemeanor and shall be punished by
75 imprisonment in the county jail not exceeding six months, or by
76 a fine in an amount equal to the entire value of the naming
77 rights agreement, whichever is greater, plus ten thousand
78 dollars, or by both imprisonment and fine.

79 2. Each vendor violation of this section shall be subject
80 to license suspension for seven days and a fine in an amount not
81 less than the brand naming rights agreement. Each manufacturer,
82 distributor or importer violation of this section shall be
83 subject to license suspension for seven days and a fine in an
84 amount not less than the brand naming rights agreement and, if
85 applicable, suspension of its brand registration within the
86 state for 30 days for the brand that is the subject of the brand
87 naming rights agreement.

88 Section 2. This act shall take effect July 1, 2017.
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T I T L E A M E N D M E N T

91
92 Remove everything before the enacting clause and insert:
93 An act relating to the Beverage Law; amending s. 561.42, F.S.;
94 providing an exemption from provisions relating to the tied
95 house evil for specified financial transactions between a
96 manufacturer or importer of malt beverages and a licensed
97 vendor; providing conditions for the exemption; providing an
98 effective date.