

1 A bill to be entitled

2 An act relating to malt beverages; amending s. 561.42,
3 F.S.; authorizing a distributor of malt beverages to
4 give specified glassware to vendors licensed to sell
5 malt beverages for on-premises consumption; providing
6 that specified glassware bear certain branding;
7 providing an annual limit on the amount of glassware
8 that may be given by a distributor to a vendor;
9 prohibiting a vendor from selling or returning
10 glassware to a distributor; limiting the use of
11 glassware by a vendor to specified purposes;
12 prohibiting certain uses of glassware; providing an
13 effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (a) of subsection (14) of section
18 561.42, Florida Statutes, is amended to read:

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

24 (14) The division shall adopt reasonable rules governing
25 promotional displays and advertising, which rules shall not

26 | conflict with or be more stringent than the federal regulations
27 | pertaining to such promotional displays and advertising
28 | furnished to vendors by distributors, manufacturers, importers,
29 | primary American sources of supply, or brand owners or
30 | registrants, or any sales agent or sales person thereof;
31 | however:

32 | (a) If a manufacturer, distributor, importer, brand owner,
33 | or brand registrant of malt beverage, or any sales agent or
34 | sales person thereof, provides a vendor licensed to sell malt
35 | beverages for on-premises consumption with expendable retailer
36 | advertising specialties such as trays, coasters, mats, menu
37 | cards, napkins, cups, glassware ~~glasses~~, thermometers, and the
38 | like, such items may be sold only at a price not less than the
39 | actual cost to the industry member who initially purchased them,
40 | without limitation in total dollar value of such items sold to a
41 | vendor. However, a distributor that has received single-service
42 | branded glassware at no charge from a malt beverage manufacturer
43 | or importer may give such glassware to a vendor licensed to sell
44 | malt beverages for on-premises consumption. Each piece of
45 | glassware given to a vendor by a distributor must bear a
46 | permanent brand name intended to prominently advertise the
47 | brand. The total pieces of glassware given may not exceed 3
48 | cases advertising up to 3 malt beverage brands per manufacturer
49 | or importer per calendar year per licensed premises. As used in
50 | this paragraph, the term "case" means a box containing up to 24

51 pieces of glassware. As used in this paragraph, the term
52 "single-service piece of glassware" means a glass container
53 which can hold no more than 22 ounces of liquid volume. A vendor
54 that receives a gift of such glassware from a distributor may
55 not sell the glassware or return it to a distributor for cash,
56 credit, or replacement. A vendor may only use such glassware to
57 serve the corresponding malt beverage brand advertised on the
58 glassware to consumers located on its licensed premises. Such
59 glassware may not be offered or furnished by any manufacturer,
60 distiller, brewer, vintner, or wholesaler, or by any officer,
61 director, agent, or employee thereof, or by any other person as
62 an inducement to the retailer to purchase or use the products of
63 such manufacturer, distiller, brewer, vintner, or wholesaler to
64 the exclusion in whole or in part of the product of any
65 competitor.

66 Section 2. This act shall take effect July 1, 2017.