

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; prohibiting certain uses
11 of glassware; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (a) of subsection (14) of section
16 561.42, Florida Statutes, is amended to read:

17 561.42 Tied house evil; financial aid and assistance to
18 vendor by manufacturer, distributor, importer, primary American
19 source of supply, brand owner or registrant, or any broker,
20 sales agent, or sales person thereof, prohibited; procedure for
21 enforcement; exception.—

22 (14) The division shall adopt reasonable rules governing
23 promotional displays and advertising, which rules shall not
24 conflict with or be more stringent than the federal regulations
25 pertaining to such promotional displays and advertising

26 | furnished to vendors by distributors, manufacturers, importers,
27 | primary American sources of supply, or brand owners or
28 | registrants, or any sales agent or sales person thereof;
29 | however:

30 | (a) If a manufacturer, distributor, importer, brand owner,
31 | or brand registrant of malt beverage, or any sales agent or
32 | sales person thereof, provides a vendor licensed to sell malt
33 | beverages for on-premises consumption with expendable retailer
34 | advertising specialties such as trays, coasters, mats, menu
35 | cards, napkins, cups, glassware ~~glasses~~, thermometers, and the
36 | like, such items may be sold only at a price not less than the
37 | actual cost to the industry member who initially purchased them,
38 | without limitation in total dollar value of such items sold to a
39 | vendor. However, a distributor that has received glassware at no
40 | charge from a malt beverage manufacturer or importer may give
41 | such glassware to a vendor licensed to sell malt beverages for
42 | on-premises consumption. Each piece of glassware given to a
43 | vendor by a distributor must bear a permanent brand name
44 | intended to prominently advertise the brand. A distributor may
45 | not give to a vendor more than 3 cases of glassware for each
46 | malt beverage brand and may not exceed 3 malt beverage brands
47 | per manufacturer or importer per calendar year per licensed
48 | premises, for a total of not more than 9 cases of glassware per
49 | year per licensed premises. As used in this paragraph, the term
50 | "case" means a box containing up to 24 pieces of glassware. As

51 used in this paragraph, the term "glassware" means a single-
52 service glass container which can hold no more than 23 ounces of
53 liquid volume. A vendor that receives a gift of such glassware
54 from a distributor may not sell the glassware or return it to a
55 distributor for cash, credit, or replacement. Such glassware may
56 not be offered or furnished by any manufacturer, distiller,
57 brewer, vintner, or wholesaler, or by any officer, director,
58 agent, or employee thereof, or by any other person as an
59 inducement to the retailer to purchase or use the products of
60 such manufacturer, distiller, brewer, vintner, or wholesaler to
61 the exclusion in whole or in part of the product of any
62 competitor.

63 Section 2. This act shall take effect October 1, 2017.