

By Senator Bradley

5-00800-18

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1                   A bill to be entitled  
2           An act relating to the Beverage Law; amending s.  
3           561.42, F.S.; authorizing a malt beverage distributor  
4           to give branded glassware to vendors licensed to sell  
5           malt beverages for on-premises consumption; requiring  
6           that the glassware bear certain branding; providing an  
7           annual limit on the amount of glassware a distributor  
8           may give to a vendor; prohibiting a vendor from  
9           selling the branded glassware or returning it to a  
10          distributor for cash, credit, or replacement; defining  
11          the terms "case" and "glassware"; providing an  
12          effective date.

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

15  
16           Section 1. Paragraph (a) of subsection (14) of section  
17           561.42, Florida Statutes, is amended to read:

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

23           (14) The division shall adopt reasonable rules governing  
24           promotional displays and advertising. Such rules may, ~~which~~  
25           ~~rules shall~~ not conflict with or be more stringent than the  
26           federal regulations pertaining to such promotional displays and  
27           advertising furnished to vendors by distributors, manufacturers,  
28           importers, primary American sources of supply, or brand owners  
29           or registrants, or any sales agent or sales person thereof;

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30 however:

31 (a) If a manufacturer, distributor, importer, brand owner,  
32 or brand registrant of malt beverage, or any sales agent or  
33 sales person thereof, provides a vendor licensed to sell malt  
34 beverages for on-premises consumption with branded expendable  
35 retailer advertising specialties such as trays, coasters, mats,  
36 menu cards, napkins, cups, glassware ~~glasses~~, thermometers, and  
37 the like, such items may be sold only at a price not less than  
38 the actual cost to the industry member who initially purchased  
39 them, without limitation in total dollar value of such items  
40 sold to a vendor. However, a distributor that has received  
41 glassware at no charge from a malt beverage manufacturer or  
42 importer may give such glassware to a vendor licensed to sell  
43 malt beverages for on-premises consumption. Each piece of  
44 glassware given to a vendor by a distributor must bear a  
45 permanent brand name intended to prominently advertise the  
46 brand. A distributor may not give a vendor more than 10 cases of  
47 glassware per calendar year per licensed premises. A vendor that  
48 receives a gift of glassware from a distributor may not sell the  
49 glassware or return it to a distributor for cash, credit, or  
50 replacement. As used in this paragraph, the term:

51 1. "Case" means a box containing up to 24 pieces of  
52 glassware.

53 2. "Glassware" means a single-service glass container that  
54 can hold no more than 23 ounces of liquid volume.

55 (b) Without limitation in total dollar value of such items  
56 provided to a vendor, a manufacturer, distributor, importer,  
57 brand owner, or brand registrant of malt beverage, or any sales  
58 agent or sales person thereof, may rent, loan without charge for

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59 an indefinite duration, or sell durable retailer advertising  
60 specialties such as clocks, pool table lights, and the like,  
61 which bear advertising matter.

62 (c) If a manufacturer, distributor, importer, brand owner,  
63 or brand registrant of malt beverage, or any sales agent or  
64 sales person thereof, provides a vendor with consumer  
65 advertising specialties such as ashtrays, T-shirts, bottle  
66 openers, shopping bags, and the like, such items may be sold  
67 only at a price not less than the actual cost to the industry  
68 member who initially purchased them, and may be sold without  
69 limitation in total value of such items sold to a vendor.

70 (d) A manufacturer, distributor, importer, brand owner, or  
71 brand registrant of malt beverage, or any sales agent or sales  
72 person thereof, may provide consumer advertising specialties  
73 described in paragraph (c) to consumers on any vendor's licensed  
74 premises.

75 (e) A manufacturer, distributor, importer, brand owner, or  
76 brand registrant of malt beverages, and any sales agent or sales  
77 person thereof or contracted third-party, may not engage in  
78 cooperative advertising with a vendor and may not name a vendor  
79 in any advertising for a malt beverage tasting authorized under  
80 s. 563.09.

81 (f) A distributor of malt beverages may sell to a vendor  
82 draft equipment and tapping accessories at a price not less than  
83 the cost to the industry member who initially purchased them,  
84 except there is no required charge, and the distributor may  
85 exchange any parts that are not compatible with a competitor's  
86 system and are necessary to dispense the distributor's brands. A  
87 distributor of malt beverages may furnish to a vendor at no

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88 charge replacement parts of nominal intrinsic value, including,  
89 but not limited to, washers, gaskets, tail pieces, hoses, hose  
90 connections, clamps, plungers, and tap markers.

91 Section 2. This act shall take effect October 1, 2018.