

By the Committee on Appropriations; and Senator Bradley

576-03577-18

20181224c1

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;
11 requiring manufacturers, importers, distributors, and
12 vendors to maintain certain records; defining the
13 terms "case" and "glassware"; providing an effective
14 date.

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

17
18 Section 1. Paragraph (a) of subsection (14) of section
19 561.42, Florida Statutes, is amended to read:

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

25 (14) The division shall adopt reasonable rules governing
26 promotional displays and advertising. Such rules may, ~~which~~
27 ~~rules shall~~ not conflict with or be more stringent than the
28 federal regulations pertaining to such promotional displays and
29 advertising furnished to vendors by distributors, manufacturers,

576-03577-18

20181224c1

30 importers, primary American sources of supply, or brand owners
31 or registrants, or any sales agent or sales person thereof;
32 however:

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

56 1. "Case" means a box containing up to 24 pieces of
57 glassware.

58 2. "Glassware" means a single-service glass container that

576-03577-18

20181224c1

59 can hold no more than 23 ounces of liquid volume.

60 (b) Without limitation in total dollar value of such items
61 provided to a vendor, a manufacturer, distributor, importer,
62 brand owner, or brand registrant of malt beverage, or any sales
63 agent or sales person thereof, may rent, loan without charge for
64 an indefinite duration, or sell durable retailer advertising
65 specialties such as clocks, pool table lights, and the like,
66 which bear advertising matter.

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

75 (d) A manufacturer, distributor, importer, brand owner, or
76 brand registrant of malt beverage, or any sales agent or sales
77 person thereof, may provide consumer advertising specialties
78 described in paragraph (c) to consumers on any vendor's licensed
79 premises.

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

86 (f) A distributor of malt beverages may sell to a vendor
87 draft equipment and tapping accessories at a price not less than

576-03577-18

20181224c1

88 the cost to the industry member who initially purchased them,
89 except there is no required charge, and the distributor may
90 exchange any parts that are not compatible with a competitor's
91 system and are necessary to dispense the distributor's brands. A
92 distributor of malt beverages may furnish to a vendor at no
93 charge replacement parts of nominal intrinsic value, including,
94 but not limited to, washers, gaskets, tail pieces, hoses, hose
95 connections, clamps, plungers, and tap markers.

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