

By Senator Brodeur

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1                   A bill to be entitled  
2           An act relating to cooperative advertising agreements;  
3           amending s. 561.42, F.S.; authorizing a manufacturer  
4           or importer of malt beverages and a vendor to enter  
5           into a written agreement for brand naming rights and  
6           associated cooperative advertising if certain  
7           requirements are met; providing requirements for such  
8           agreement; prohibiting certain manufacturers or  
9           importers of malt beverages from soliciting or  
10          receiving certain payments; specifying that such  
11          agreements do not affect distributors; providing an  
12          effective date.

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

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16           Section 1. Subsection (15) is added to section 561.42,  
17 Florida Statutes, 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           (15) (a) Notwithstanding any other provision of this  
24 section, a manufacturer or importer of malt beverages and a  
25 vendor may enter into a written agreement for brand naming  
26 rights and associated cooperative advertising in an arm's length  
27 transaction for no more than fair market value if all of the  
28 following conditions are met:

29           1. The vendor operates places of business at which

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30 consumption on the premises is permitted, the premises are  
31 located within a theme park complex that is owned, managed,  
32 controlled, and operated by the vendor; that comprises at least  
33 25 enclosed acres of land with permanent exhibitions and a  
34 variety of recreational activities; that has a controlled  
35 entrance to, and exit from, the enclosed area; and that has at  
36 least 1 million visitors annually who pay admission fees to the  
37 theme park complex.

38 2. The agreement does not involve, in whole or in part, the  
39 sale or distribution of malt beverages between the vendor and  
40 the manufacturer or the importer and each distributor.

41 3. The vendor, as a result of the agreement, does not  
42 provide preferential treatment to the alcoholic beverage brand  
43 or brands of the manufacturer or importer with whom the vendor  
44 has entered into the agreement.

45 4. The agreement does not limit, directly or indirectly,  
46 the sale of alcoholic beverages of another manufacturer,  
47 importer, or distributor.

48 5. Within 10 days after execution of the agreement, the  
49 vendor files with the division a description of the agreement  
50 which includes the location, dates, and the name of the  
51 manufacturer or importer that entered into the agreement.

52 (b) A manufacturer or importer of malt beverages which is a  
53 party to a brand naming rights agreement may not, directly or  
54 indirectly, solicit or receive from any of its distributors any  
55 portion of the payment due from the manufacturer or importer of  
56 malt beverages to the vendor pursuant to such agreement. Such  
57 agreement exists solely between the manufacturer or importer and  
58 the vendor and does not, directly or indirectly, in any way

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59 obligate or place responsibility, financial or otherwise, upon a  
60 distributor.

61 Section 2. This act shall take effect July 1, 2021.