

1 A bill to be entitled
 2 An act relating to malt beverage advertising
 3 agreements; amending s. 561.42, F.S.; prohibiting
 4 certain entities and persons from directly or
 5 indirectly assisting or providing specified items,
 6 moneys, or services to a licensed vendor; prohibiting
 7 a licensed vendor from accepting specified items,
 8 moneys, or services from certain entities or persons;
 9 providing an effective date.

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

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 13 Section 1. Subsection (15) is added to section 561.42,
 14 Florida Statutes, to read:

15 561.42 Tied house evil; financial aid and assistance to
 16 vendor by manufacturer, distributor, importer, primary American
 17 source of supply, brand owner or registrant, or any broker,
 18 sales agent, or sales person thereof, prohibited; procedure for
 19 enforcement; exception.—

20 (15) (a) Notwithstanding any other provision of this
 21 section, a manufacturer or importer of malt beverages and a
 22 vendor may enter into a written agreement for brand naming
 23 rights and associated cooperative advertising in an arm's length
 24 transaction for no more than fair market value if all of the
 25 following conditions are met:

26 1. The vendor operates places of business at which
27 consumption on the premises is permitted, the premises are
28 located within a theme park complex that is owned, managed,
29 controlled, and operated by the vendor, if the theme park
30 complex comprises at least 25 enclosed acres of land with
31 permanent exhibitions and a variety of recreational activities,
32 the theme park complex has a controlled entrance to, and exit
33 from, the enclosed area, and at least 1 million visitors
34 annually pay admission fees to the theme park complex.

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

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

42 4. The agreement does not limit, directly or indirectly,
43 the sale of alcoholic beverages of another manufacturer,
44 importer, or distributor.

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

49 (b) A manufacturer or importer of malt beverages which is
50 a party to a brand naming rights agreement may not, directly or

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51 indirectly, solicit or receive from any of its distributors any
52 portion of the payment due from the manufacturer or importer of
53 malt beverages to the vendor pursuant to such agreement. Such
54 agreement exists solely between the manufacturer or importer and
55 the vendor and does not, directly or indirectly, in any way
56 obligate or place responsibility, financial or otherwise, upon a
57 distributor.

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