A bill to be entitled
An act relating to malt beverages; amending s. 561.42, F.S.; authorizing a distributor of malt beverages to give specified glassware to vendors licensed to sell malt beverages for on-premises consumption; requiring specified glassware to bear certain branding; providing an annual limit on the amount of glassware that may be given by a distributor to a vendor; prohibiting a vendor from selling the glassware or returning it to the distributor; providing that malt beverage-branded glassware is intended to be used only to serve the brand advertised; providing for future legislative review and repeal of the exemption; providing an effective date.

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

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

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

(14) The division shall adopt reasonable rules governing
promotional displays and advertising, which rules shall not conflict with or be more stringent than the federal regulations pertaining to such promotional displays and advertising furnished to vendors by distributors, manufacturers, importers, primary American sources of supply, or brand owners or registrants, or any sales agent or sales person thereof; however:

(a) 1. If a manufacturer, distributor, importer, or brand owner or brand registrant of malt beverage, or any broker, sales agent, or sales person thereof, provides a vendor licensed to sell malt beverages for on-premises consumption with branded, expendable retailer advertising specialties such as trays, coasters, mats, menu cards, napkins, cups, glassware glasses, thermometers, and the like, such items may be sold only at a price not less than the actual cost to the industry member who initially purchased them, without limitation in total dollar value of such items sold to a vendor.

2. A distributor that has received glassware at no direct or indirect charge from a manufacturer, importer, or brand owner or registrant of malt beverage, or any broker, sales agent, or sales person thereof, may give such glassware to a vendor licensed to sell malt beverages for on-premises consumption. Each piece of glassware given to a vendor by a distributor must bear a permanent brand name intended to prominently advertise the brand. A distributor may not give a vendor more than 15
cases of glassware per calendar year per licensed premises. As used in this paragraph, the term "case" means a box containing up to 24 pieces of glassware and the term "glassware" means a single-service glass container that can hold no more than 23 ounces of liquid volume. A vendor that receives a gift of such glassware from a distributor may not sell the glassware or return it to the distributor for cash, credit, or replacement. Malt beverage-branded glassware used at any licensed premises is intended to be used only to serve consumers the brand advertised on the glassware. This subparagraph shall stand repealed on June 30, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. This act shall take effect July 1, 2018.