



306370

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/10/2018	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Steube) recommended the following:

Senate Amendment (with directory and title amendments)

Delete line 22

and insert:

(1) A ~~No~~ manufacturer, distributor, importer, primary American source of supply, or brand owner or registrant of any of the beverages herein referred to, whether licensed or operating in this state or out-of-state, nor any broker, sales agent, or sales person thereof, may not ~~shall~~ have any financial interest, directly or indirectly, in the establishment or



306370

11 business of any vendor licensed under the Beverage Law; nor may
12 ~~shall~~ such manufacturer, distributor, importer, primary American
13 source of supply, brand owner or brand registrant, or any
14 broker, sales agent, or sales person thereof, directly or
15 indirectly assist any vendor by furnishing, selling, renting,
16 lending, buying for, or giving to any vendor any vehicles,
17 equipment, furniture, fixtures, signs, supplies, credit, money,
18 fees of any kind, advertising or cooperative advertising,
19 services, any gifts or loans of money or property of any
20 description, or by the giving of any rebates of any kind
21 whatsoever. A ~~Ne~~ licensed vendor may not ~~shall~~ accept, directly
22 or indirectly, any vehicles, equipment, furniture, fixtures,
23 signs, supplies, credit, money, fees of any kind, advertising or
24 cooperative advertising, services, any gifts or loans of money
25 or property of any description, or any rebates of any kind
26 whatsoever from any such manufacturer, distributor, importer,
27 primary American source of supply, brand owner or brand
28 registrant, or any broker, sales agent, or sales person thereof;
29 provided, however, that this does not apply to any bottles,
30 barrels, or other containers necessary for the legitimate
31 transportation of such beverages or to advertising materials and
32 does not apply to the extension of credit, for liquors sold,
33 made strictly in compliance with ~~the provisions of~~ this section.
34 A brand owner is a person who is not a manufacturer,
35 distributor, importer, primary American source of supply, brand
36 registrant, or broker, sales agent, or sales person thereof, but
37 who directly or indirectly owns or controls any brand, brand
38 name, or label of alcoholic beverage. Nothing in this section
39 shall prohibit the ownership by vendors of any brand, brand



306370

40 name, or label of alcoholic beverage.

41 (8) The division may adopt rules and require reports to
42 enforce, and may impose administrative sanctions for any
43 violation of, the limitations established in the Beverage Law on
44 vehicles, equipment, furniture, fixtures, signs, supplies,
45 credit, money, fees of any kind, advertising or cooperative
46 advertising, services, ~~this section on~~ credits, coupons, and
47 other forms of assistance.

48 (11) A vendor may display in the interior of his or her
49 licensed premises, including the window or windows thereof,
50 neon, electric, or other signs, including window painting and
51 decalcomanias applied to the surface of the interior or exterior
52 of such windows, and posters, placards, and other advertising
53 material advertising the brand or brands of alcoholic beverages
54 sold by him or her, whether visible or not from the outside of
55 the licensed premises, but no vendor shall display in the window
56 or windows of his or her licensed premises more than one neon,
57 electric, or similar sign, advertising the product of any one
58 brand manufacturer.

59 (12) Any manufacturer, distributor, importer, primary
60 American source of supply, or brand owner or registrant, or any
61 broker, sales agent, or sales person thereof, may give, lend,
62 furnish, or sell to a vendor who sells the products of such
63 manufacturer, distributor, importer, primary American source of
64 supply, or brand owner or registrant any of the following: neon
65 or electric signs, window painting and decalcomanias applied to
66 the surface of the interior or exterior of windows, posters,
67 placards, and other advertising material herein authorized to be
68 used or displayed by the vendor in the interior of his or her



306370

69 licensed premises. The term "decalcomania" means the transfer of
70 design, engraving, or print onto glass.

71 (13) If a manufacturer, distributor, importer, primary
72 American source of supply, or brand owner or registrant of any
73 of the beverages herein referred to, whether licensed or
74 operating in this state or out-of-state, and any broker, sales
75 agent, or sales person thereof, is a bona fide wholesaler of
76 other merchandise to any vendor who wishes to purchase such
77 merchandise, such manufacturer, distributor, importer, primary
78 American source of supply, or brand owner or registrant may sell
79 such merchandise to a vendor under the following conditions:

80 (a) The cost of acquiring the merchandise is maintained in
81 invoices and other records;

82 (b) The merchandise is sold at a price not less than its
83 cost or fair market value, whichever is less;

84 (c) The merchandise is not sold in combination with
85 alcoholic beverages;

86 (d) The sale of the merchandise is separately itemized from
87 the sale of alcoholic beverages;

88 (e) The merchandise is not a refrigerator, chilling device,
89 or dispensing equipment valued in excess of \$500; and

90 (f) The merchandise is not a vehicle, regardless of value.

91 (15)-(14) The division shall adopt reasonable rules
92 governing promotional displays and advertising, which rules may
93 not shall not conflict with or be more stringent than the
94 federal regulations pertaining to such promotional displays and
95 advertising furnished to vendors by distributors, manufacturers,
96 importers, primary American sources of supply, or brand owners
97 or registrants, or any sales agent or sales person thereof;



306370

98 however:

99 (b) Without limitation in total dollar value of such items
100 provided to a vendor, a manufacturer, distributor, importer,
101 brand owner, or brand registrant of malt beverage, or any sales
102 agent or sales person thereof, may rent, loan without charge for
103 an indefinite duration, or sell durable retailer advertising
104 specialties such as clocks, pool table lights, and the like,
105 which bear advertising matter. If sold, such items may not be
106 sold at a price less than the actual cost to the industry member
107 who initially purchased the items.

108 (16) (a) Notwithstanding any other provision of this
109

110 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

111 And the directory clause is amended as follows:

112 Delete lines 15 - 16

113 and insert:

114 Section 1. Present subsection (13) of section 561.42,
115 Florida Statutes, is redesignated as subsection (14), a new
116 subsection (13) and subsection (16) are added to that section,
117 and subsections (1), (8), (11), and (12) and paragraph (b) of
118 present subsection (14) of that section are amended, to read:
119

120 ===== T I T L E A M E N D M E N T =====

121 And the title is amended as follows:

122 Delete line 3

123 and insert:

124 561.42, F.S.; prohibiting certain entities and persons
125 from directly or indirectly assisting any vendor in
126 certain ways; prohibiting a licensed vendor from



306370

127 accepting certain items and services; authorizing the
128 division to impose administrative sanctions for a
129 violation of certain limitations established in the
130 Beverage Law; prohibiting a vendor from displaying
131 certain signs in the window or windows of his or her
132 licensed premises; authorizing certain entities and
133 persons to give, lend, furnish, or sell certain
134 advertising material to certain vendors; defining the
135 term "decalcomania"; authorizing certain entities and
136 persons to sell certain merchandise to vendors under
137 certain conditions; prohibiting certain entities and
138 persons from selling certain items for a price less
139 than the actual cost of the item; providing an
140 exemption from provisions