

By the Committee on Regulated Industries; and Senator Hutson

580-02003-18

2018822c1

1 A bill to be entitled
2 An act relating to the Beverage Law; amending s.
3 561.42, F.S.; providing an exemption from provisions
4 relating to the tied house evil for specified
5 financial transactions between a manufacturer or
6 importer of malt beverages and a licensed vendor;
7 providing conditions for the exemption; prohibiting
8 the manufacturer or importer of malt beverages from
9 soliciting or receiving any portion of certain
10 payments from its distributors; specifying that a
11 brand naming rights agreement does not obligate or
12 place responsibility upon a distributor; providing an
13 effective date.

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

16
17 Section 1. Subsection (15) is added to section 561.42,
18 Florida Statutes, to read:

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

24 (15) (a) Notwithstanding any other provision of this
25 section, a manufacturer or importer of malt beverages and a
26 vendor may enter into a written agreement for brand naming
27 rights, including the right to advertise cooperatively,
28 negotiated at arm's length for no more than fair market value
29 if:

580-02003-18

2018822c1

30 1. The vendor operates places of business where consumption
31 on the premises is permitted, the premises are located within a
32 theme park complex consisting of at least 25 contiguous acres
33 owned and controlled by the same business entity, and the
34 complex contains permanent exhibitions and a variety of
35 recreational activities and has a minimum of 1 million visitors
36 annually through a controlled entrance to and exit from the
37 theme park complex;

38 2. Such agreement does not involve, either in whole or in
39 part, the sale or distribution of malt beverages between the
40 manufacturer or importer, or its distributor, and a vendor;

41 3. The vendor does not give preferential treatment to the
42 alcoholic beverage brand or brands of the manufacturer or
43 importer with whom the vendor has entered into such agreement;

44 4. Such agreement does not limit, either directly or
45 indirectly, the sale of alcoholic beverages of another
46 manufacturer or importer, or distributor; and

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

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

580-02003-18

2018822c1

59 financial or otherwise, upon a distributor.

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