

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Beshears offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. 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. Such rules may, ~~which rules shall~~ not conflict with or be more stringent than the federal regulations pertaining to such promotional displays and

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17 advertising furnished to vendors by distributors, manufacturers,  
18 importers, primary American sources of supply, or brand owners  
19 or registrants, or any sales agent or sales person thereof;  
20 however:

21 (a) If a manufacturer, distributor, importer, brand owner,  
22 or brand registrant of malt beverage, or any sales agent or  
23 sales person thereof, provides a vendor with branded expendable  
24 retailer advertising specialties such as trays, coasters, mats,  
25 menu cards, napkins, cups, glassware ~~glasses~~, thermometers, and  
26 the like, such items may be sold only at a price not less than  
27 the actual cost to the industry member who initially purchased  
28 them, without limitation in total dollar value of such items  
29 sold to a vendor. However, a distributor that receives glassware  
30 at no charge on a no-charge invoice from a malt beverage  
31 manufacturer or importer may give such glassware to a vendor  
32 licensed to sell malt beverages for on-premises consumption.  
33 Each piece of glassware given to a vendor by a distributor must  
34 bear a permanent brand name intended to prominently advertise  
35 the brand. A distributor may not give a vendor more than 10  
36 cases of glassware per calendar year per licensed premises. A  
37 vendor that receives a gift of glassware from a distributor may  
38 not sell the glassware or return it to a distributor for cash,  
39 credit, or replacement. A manufacturer or importer who sells or  
40 gives glassware to a distributor, a distributor who sells or

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41 gives glassware to a vendor, and such vendor, must maintain  
42 records of such sale or gift of glassware.

43 1. These records must be maintained for three years by the  
44 industry member. The records may be in any format so long as  
45 they are available and legible to division personnel upon  
46 request during normal business hours. A copy of any record  
47 maintained or produced in compliance with this paragraph shall  
48 be provided to each industry member who receives such glassware.  
49 The copy shall be in a format accessible and readable by the  
50 recipient and may not be provided in an electronic format that  
51 would require proprietary software unavailable to the recipient.

52 These records must show:

53 a. The name and address of the recipient, the recipient's  
54 employee or agent receiving the glassware;

55 b. The recipient's license number;

56 c. The date furnished, or given;

57 d. The description and quantity of glassware furnished, or  
58 given;

59 e. The cost to the industry member determined by the  
60 original purchaser's invoice price;

61 f. The charges to the recipient for the glassware, if any;  
62 and

63 g. The name, license number, and address of the industry  
64 member providing the glassware.

65 2. As used in this paragraph, the term:

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66        a. "Case" means a box containing up to 24 pieces of  
67 glassware.

68        b. "Glassware" means a single-service glass container that  
69 can hold no more than 23 ounces of liquid volume.

70        (b) Without limitation in total dollar value of such items  
71 provided to a vendor, a manufacturer, distributor, importer,  
72 brand owner, or brand registrant of malt beverage, or any sales  
73 agent or sales person thereof, may rent, loan without charge for  
74 an indefinite duration, or sell durable retailer advertising  
75 specialties such as clocks, pool table lights, and the like,  
76 which bear advertising matter.

77        (c) If a manufacturer, distributor, importer, brand owner,  
78 or brand registrant of malt beverage, or any sales agent or  
79 sales person thereof, provides a vendor with consumer  
80 advertising specialties such as ashtrays, T-shirts, bottle  
81 openers, shopping bags, and the like, such items may be sold  
82 only at a price not less than the actual cost to the industry  
83 member who initially purchased them, and may be sold without  
84 limitation in total value of such items sold to a vendor.

85        (d) A manufacturer, distributor, importer, brand owner, or  
86 brand registrant of malt beverage, or any sales agent or sales  
87 person thereof, may provide consumer advertising specialties  
88 described in paragraph (c) to consumers on any vendor's licensed  
89 premises.

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90 (e) A manufacturer, distributor, importer, brand owner, or  
91 brand registrant of malt beverages, and any sales agent or sales  
92 person thereof or contracted third-party, may not engage in  
93 cooperative advertising with a vendor and may not name a vendor  
94 in any advertising for a malt beverage tasting authorized under  
95 s. 563.09.

96 (f) A distributor of malt beverages may sell to a vendor  
97 draft equipment and tapping accessories at a price not less than  
98 the cost to the industry member who initially purchased them,  
99 except there is no required charge, and the distributor may  
100 exchange any parts that are not compatible with a competitor's  
101 system and are necessary to dispense the distributor's brands. A  
102 distributor of malt beverages may furnish to a vendor at no  
103 charge replacement parts of nominal intrinsic value, including,  
104 but not limited to, washers, gaskets, tail pieces, hoses, hose  
105 connections, clamps, plungers, and tap markers.

106 Section 2. This act shall take effect October 1, 2018.  
107

108 -----  
109 **T I T L E A M E N D M E N T**

110 Remove everything before the enacting clause and insert:

111 A bill to be entitled

112 An act relating to the Beverage Law; amending s. 561.42, F.S.;  
113 authorizing a malt beverage distributor to give branded  
114 glassware to vendors licensed to sell malt beverages for on-

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115 | premises consumption; requiring that the glassware bear certain  
116 | branding; providing an annual limit on the amount of glassware a  
117 | distributor may give to a vendor; prohibiting a vendor from  
118 | selling the branded glassware or returning it to a distributor  
119 | for cash, credit, or replacement; requiring manufacturers,  
120 | importers, distributors, and vendors to maintain certain  
121 | records; defining the terms "case" and "glassware"; providing an  
122 | effective date.