

1 A bill to be entitled

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

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

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18 Section 1. Paragraph (a) of subsection (14) of section
19 561.42, Florida Statutes, is amended to read:

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

25 (14) The division shall adopt reasonable rules governing

26 | promotional displays and advertising, which rules shall not
27 | conflict with or be more stringent than the federal regulations
28 | pertaining to such promotional displays and advertising
29 | furnished to vendors by distributors, manufacturers, importers,
30 | primary American sources of supply, or brand owners or
31 | registrants, or any sales agent or sales person thereof;
32 | however:

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

43 | 2. A distributor that has received glassware at no direct
44 | or indirect charge from a manufacturer, importer, or brand owner
45 | or registrant of malt beverage, or any broker, sales agent, or
46 | sales person thereof, may give such glassware to a vendor
47 | licensed to sell malt beverages for on-premises consumption.
48 | Each piece of glassware given to a vendor by a distributor must
49 | bear a permanent brand name intended to prominently advertise
50 | the brand. A distributor may not give a vendor more than 15

51 cases of glassware per calendar year per licensed premises. As
52 used in this paragraph, the term "case" means a box containing
53 up to 24 pieces of glassware and the term "glassware" means a
54 single-service glass container that can hold no more than 23
55 ounces of liquid volume. A vendor that receives a gift of such
56 glassware from a distributor may not sell the glassware or
57 return it to the distributor for cash, credit, or replacement.
58 Malt beverage-branded glassware used at any licensed premises is
59 intended to be used only to serve consumers the brand advertised
60 on the glassware. This subparagraph shall stand repealed on June
61 30, 2021, unless reviewed and saved from repeal through
62 reenactment by the Legislature.

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