

ENROLLED
CS/HB 695

2013 Legislature

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2 An act relating to tied house regulation; amending s.
3 561.42, F.S.; authorizing the Division of Alcoholic
4 Beverages and Tobacco of the Department of Business
5 and Professional Regulation to impose administrative
6 sanctions for violations of specified provisions of
7 the Beverage Law under certain circumstances;
8 prohibiting licensees from possessing or using certain
9 coupons for malt beverages; removing a provision
10 prohibiting distributors of beer from furnishing
11 certain coupons to consumers; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsections (8) and (12) of section 561.42,
17 Florida Statutes, are amended, and subsections (13) and (14) are
18 added to that section, 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 (8) The division may adopt ~~establish~~ rules and require
25 reports to enforce, and may impose administrative sanctions for
26 any violation of, the limitations established in this section
27 ~~herein-established limitation on~~ upon credits, coupons, and
28 other forms of assistance. ~~Nothing herein shall be taken to~~

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29 | ~~affect the provisions of s. 563.08, but shall govern all other~~
30 | ~~sales of intoxicating liquors.~~

31 | (12) Any manufacturer, distributor, importer, primary
32 | American source of supply, or brand owner or registrant, or any
33 | broker, sales agent, or sales person thereof, may give, lend,
34 | furnish, or sell to a vendor who sells the products of such
35 | manufacturer, distributor, importer, primary American source of
36 | supply, or brand owner or registrant any of the following: neon
37 | or electric signs, window painting and decalcomanias, posters,
38 | placards, and other advertising material herein authorized to be
39 | used or displayed by the vendor in the interior of his or her
40 | licensed premises.

41 | (13) A licensee under the Beverage Law may not possess or
42 | use, in physical or electronic format, any type of malt beverage
43 | coupon or malt beverage cross-merchandising coupon in this
44 | state, where:

45 | (a) The coupon is produced, sponsored, or furnished,
46 | whether directly or indirectly, by an alcohol beverage
47 | manufacturer, distributor, importer, brand owner, or brand
48 | registrant or any broker, sales agent, or sales person thereof;
49 | and

50 | (b) The coupon is or purports to be redeemable by a vendor
51 | or other person who sells malt beverages to consumers in the
52 | state.

53 | (14) The division shall adopt ~~make~~ reasonable rules
54 | governing promotional displays and advertising, which rules
55 | shall not conflict with or be more stringent than the federal
56 | regulations pertaining to such promotional displays and

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57 | advertising furnished to vendors by distributors, manufacturers,
58 | importers, primary American sources of supply, or brand owners
59 | or registrants, or any broker, sales agent, or sales person
60 | thereof; ~~provided, however, that:~~

61 | (a) If a manufacturer, distributor, importer, brand owner,
62 | or brand registrant of malt beverage, or any broker, sales
63 | agent, or sales person thereof, provides a vendor with
64 | expendable retailer advertising specialties such as trays,
65 | coasters, mats, menu cards, napkins, cups, glasses,
66 | thermometers, and the like, such items shall be sold at a price
67 | not less than the actual cost to the industry member who
68 | initially purchased them, without limitation in total dollar
69 | value of such items sold to a vendor.

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
73 | broker, sales agent, or sales person thereof, may rent, loan
74 | without charge for an indefinite duration, or sell durable
75 | retailer advertising specialties such as clocks, pool table
76 | lights, and the like, which bear advertising matter.

77 | (c) If a manufacturer, distributor, importer, brand owner,
78 | or brand registrant of malt beverage, or any broker, sales
79 | agent, or 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 shall be sold
82 | at a price not less than the actual cost to the industry member
83 | who initially purchased them, but may be sold without limitation
84 | in total value of such items sold to a vendor.

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

90 ~~(e) Coupons redeemable by vendors shall not be furnished~~
91 ~~by distributors of beer to consumers.~~

92 (e)~~(f)~~ Manufacturers, distributors, importers, brand
93 owners, or brand registrants of beer, and any broker, sales
94 agent, or sales person thereof, shall not conduct any sampling
95 activities that include tasting of their product at a vendor's
96 premises licensed for off-premises sales only.

97 (f)~~(g)~~ Manufacturers, distributors, importers, brand
98 owners, or brand registrants of beer, and any broker, sales
99 agent, or sales person thereof, shall not engage in cooperative
100 advertising with vendors.

101 (g)~~(h)~~ Distributors of beer may sell to vendors draft
102 equipment and tapping accessories at a price not less than the
103 cost to the industry member who initially purchased them, except
104 there is no required charge, and a distributor may exchange any
105 parts which are not compatible with a competitor's system and
106 are necessary to dispense the distributor's brands. A
107 distributor of beer may furnish to a vendor at no charge
108 replacement parts of nominal intrinsic value, including, but not
109 limited to, washers, gaskets, tail pieces, hoses, hose
110 connections, clamps, plungers, and tap markers.

111 Section 2. This act shall take effect July 1, 2013.