

1 A bill to be entitled
 2 An act relating to sales representative contracts
 3 involving commissions; amending s. 686.201, F.S.; revising
 4 definitions; providing for application to certain persons
 5 as well as businesses; including services as well as
 6 products; providing for application to retail as well as
 7 wholesale transactions; increasing damages under certain
 8 actions for compliance; specifying nonapplication to
 9 certain licensed persons performing services within the
 10 scope of their license; providing an effective date.

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

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 14 Section 1. Section 686.201, Florida Statutes, is amended
 15 to read:

16 686.201 Sales representative contracts involving
 17 commissions; requirements; termination of agreement; civil
 18 remedies.--

19 (1) As used in this act, the term:

20 (a) "Commission" means compensation accruing to a sales
 21 representative for payment by a principal, the rate of which
 22 compensation is expressed as a percentage of the dollar amount
 23 of orders or sales.

24 (b) "Principal" means a person or business which ~~who does~~
 25 ~~not have a permanent or fixed place of business in this state~~
 26 ~~and who~~:

27 1. Manufactures, produces, imports, or distributes a
 28 product or service ~~for wholesale, except for fresh commodities.~~;

29 | 2. Contracts with a sales representative to solicit orders
30 | for the product or service. ~~and~~

31 | 3. Compensates the sales representative, in whole or in
32 | part, by commission.

33 | (c) "Sales representative" means a person or business
34 | which ~~who~~ contracts with a principal to solicit ~~wholesale~~ orders
35 | and who is compensated, in whole or in part, by commission, but
36 | does not include a person or business which ~~who~~ places orders
37 | for his or her own account for resale or a person who is an
38 | employee of the business.

39 | (2) When a principal contracts with a sales representative
40 | to solicit ~~wholesale~~ orders within this state, the contract
41 | shall be in writing and shall set forth the method by which the
42 | commission is to be computed and paid. The principal shall
43 | provide the sales representative with a signed copy of the
44 | contract and shall obtain a signed receipt for the contract from
45 | the sales representative.

46 | (3)(a) When the contract between a sales representative
47 | and a principal is terminated and the contract was not reduced
48 | to writing, all commissions due shall be paid within 30 days
49 | after ~~of~~ termination.

50 | (b) In the event a principal fails to comply with the
51 | provisions of paragraph (a), the sales representative has a
52 | cause of action for damages equal to triple ~~double~~ the amount of
53 | commission found to be due. The prevailing party in any such
54 | action is entitled to an award of reasonable attorney's fees and
55 | court costs.

56 (4) This section does not apply to persons licensed
57 pursuant to chapter 475 who are performing services within the
58 scope of their license.

59 Section 2. This act shall take effect upon becoming a law.