

By Senator Wright

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1 A bill to be entitled
2 An act relating to distilled spirits; creating s.
3 565.21, F.S.; prohibiting distributors or officers,
4 agents, or other representatives of a distributor from
5 taking specified actions; authorizing courts to grant
6 certain injunctive relief; prohibiting courts from
7 requiring bond to be posted under certain
8 circumstances; providing a cause of action for
9 violations of the act; authorizing persons to bring
10 class actions under certain circumstances; authorizing
11 courts to award punitive damages under certain
12 circumstances; providing construction; providing an
13 effective date.

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

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17 Section 1. Section 565.21, Florida Statutes, is created to
18 read:

19 565.21 Relations between distilled spirits distributors and
20 vendors.-

21 (1) (a) A distributor or an officer, an agent, or another
22 representative of a distributor may not do any of the following:

23 1. Fail to meet the terms of a coupon if a vendor accepts
24 the coupon from a consumer and the coupon was made available to
25 the public by a manufacturer or a distributor or an officer,
26 agent, or other representative of a manufacturer or distributor.

27 2. Fail to make any coupon made available to a vendor
28 available for every other vendor doing business with the
29 distributor.

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30 3. If offering a discount for orders of certain quantities
31 of distilled spirits products, fail to provide a reasonable
32 opportunity for all vendors doing business with the distributor
33 to purchase such discounted products within, at a minimum, a 3-
34 day period after providing the initial discount.

35 4. Reimburse a vendor for the cost of separately packaged
36 merchandise that is provided by the vendor to the consumer for
37 free concurrent with the sale of a distilled spirits product.

38 5. Willfully discriminate, either directly or indirectly,
39 in a price offered to vendors, if the effect of such
40 discrimination is likely to substantially lessen competition.

41 6. Misrepresent the availability of any product.

42 7. Take any retaliatory action against a vendor that files
43 a complaint regarding an alleged violation of state or federal
44 law or administrative rule by a distributor or manufacturer.

45 (b) Any person who violates this subsection is not subject
46 to criminal penalties under the Beverage Law for such violation.

47 (2) (a) In any action brought for a violation of this
48 section, the court has the authority to grant temporary,
49 preliminary, or final injunctive relief. If the court grants
50 injunctive relief, the court may not require bond to be posted.

51 (b) In addition to temporary, preliminary, or final
52 injunctive relief, any person who is aggrieved or injured in his
53 or her business or property by a violation of this section may
54 bring an action in the appropriate circuit court and, if
55 successful, is entitled to recover the damages sustained and the
56 costs of such action, including reasonable attorney fees.

57 (c) Without regard and in addition to any other remedy or
58 relief to which a person is entitled, anyone aggrieved by a

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59 violation of this section may bring an action to obtain a
60 declaratory judgment that an act, an action, or a practice
61 violates this section and to enjoin a distributor that has
62 violated, is violating, or is otherwise likely to violate this
63 section.

64 (d) If an action brought under this section is one of
65 common or general interest to many persons or when the parties
66 are numerous and it is impracticable to bring them all before
67 the court, one or more persons may bring a class action for the
68 benefit of the whole, including actions for injunctive relief.

69 (e) In an action brought under this section for monetary
70 damages, if a judge or jury finds that the defendant acted
71 maliciously, punitive damages may be awarded as authorized under
72 the laws of this state.

73 (f) The remedies provided in this subsection are in
74 addition to any other civil remedies provided by law or in
75 equity. This subsection does not give rise to or foreclose any
76 claim that would otherwise exist against a distributor by a
77 vendor doing, or potentially doing, business with the
78 distributor.

79 Section 2. This act shall take effect July 1, 2022.