



ENROLLED
 CS/CS/HB 1223, Engrossed 1

2013 Legislature

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 2 An act relating to deceptive and unfair trade
 3 practices; reordering and amending s. 501.2077, F.S.;
 4 providing definitions; authorizing a civil penalty for
 5 a person who willfully uses a deceptive or unfair
 6 trade act or practice against a military servicemember
 7 or the servicemember's spouse or dependent child in
 8 certain circumstances; providing an effective date.

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

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 12 Section 1. Section 501.2077, Florida Statutes, is
 13 reordered and amended to read:

14 501.2077 Violations involving senior citizen, ~~or~~
 15 handicapped person who has a disability, military servicemember,
 16 or the spouse or dependent child of a military servicemember;
 17 civil penalties; presumption.—

18 (1) As used in this section, the term:

19 (a)-(d) "Major life activities" means functions associated
 20 with the normal activities of independent daily living, such as
 21 caring for one's self, performing manual tasks, walking, seeing,
 22 hearing, speaking, breathing, learning, and working.

23 (b)-(e) "Mental or educational impairment" means:

24 1. A ~~Any~~ mental or psychological disorder or specific
 25 learning disability.

26 2. An ~~Any~~ educational deficiency that ~~which~~ substantially
 27 affects a person's ability to read and comprehend the terms of
 28 any contractual agreement entered into.



29 (c) "Military servicemember" means a person who is on
30 active duty in, or a veteran of, the United States Armed Forces.

31 1. "Active duty" has the same meaning as provided in s.
32 250.01.

33 2. "Veteran" has the same meaning as provided in s. 1.01.

34 (d)-(b) "Handicapped Person who has a disability" means a
35 any person who has a mental or educational impairment that which
36 substantially limits one or more major life activities.

37 (e)-(a) "Senior citizen" means a person who is 60 years of
38 age or older.

39 (2) A ~~Any~~ person who is willfully using, or has willfully
40 used, a method, act, or practice in violation of this part,
41 which method, act, or practice victimizes or attempts to
42 victimize a senior citizen citizens or a person who has a
43 disability handicapped persons, and commits such violation when
44 she or he knew or should have known that her or his conduct was
45 unfair or deceptive, is liable for a civil penalty of not more
46 than \$15,000 for each such violation if she or he knew or should
47 have known that her or his conduct was unfair or deceptive.

48 (3) A person who is willfully using, or has willfully
49 used, a method, act, or practice in violation of this part
50 directed at a military servicemember or the spouse or dependent
51 child of a military servicemember is liable for a civil penalty
52 of not more than \$15,000 for each such violation if she or he
53 knew or should have known that her or his conduct was unfair or
54 deceptive.

55 (4)-(3) An ~~Any~~ order of restitution or reimbursement based
56 on a violation of this part committed against a senior citizen,



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57 a ~~or~~ handicapped person who has a disability, a military
58 servicemember, or the spouse or dependent child of a military
59 servicemember has priority over the imposition of civil
60 penalties for such violations pursuant to this section.

61 (5)~~(4)~~ Civil penalties collected pursuant to this section
62 shall be deposited into the Legal Affairs Revolving Trust Fund
63 of the Department of Legal Affairs and allocated solely to the
64 Department of Legal Affairs for the purpose of preparing and
65 distributing consumer education materials, programs, and
66 seminars to benefit senior citizens, and~~handicapped~~ persons who
67 have a disability, and military servicemembers or to further
68 enforcement efforts.

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