

By Representative Villalobos

1 A bill to be entitled
2 An act relating to deceptive and unfair trade
3 practices; amending s. 501.203, F.S., relating
4 to definitions with respect to the Florida
5 Deceptive and Unfair Trade Practices Act;
6 defining "individual," "person," "consumer
7 goods or services," and "commercial goods or
8 services"; creating s. 501.2041, F.S., relating
9 to certain unlawful discriminatory practices;
10 defining the unlawful discriminatory practice
11 of restricting, or threatening or attempting to
12 restrict, the sale or lease of consumer or
13 commercial goods or services on the basis of
14 the consumer's or prospective consumer's race,
15 age, sex, national origin, creed, color,
16 residence, or domicile, or the intended place
17 of use of the goods or services; defining the
18 unlawful discriminatory practice of
19 implementing any penalty or making any charge
20 against a person, individual, or consumer or
21 prospective consumer, or withholding from or
22 failing to pay to same, an incentive, bonus,
23 holdback allowance, or rebate, for sale or
24 lease of consumer or commercial goods on
25 similar basis, or because of the intended place
26 of use of such goods or services; providing
27 that such unlawful discriminatory practices
28 constitute violations of part II of chapter
29 501, F.S.; providing penalties; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsections (10), (11), (12), and (13) are
4 added to section 501.203, Florida Statutes, to read:

5 501.203 Definitions.--As used in this chapter, unless
6 the context otherwise requires, the term:

7 (3) "Violation of this part" means any violation of
8 this act and may be based upon any of the following:

9 (a) Any rules promulgated pursuant to the Federal
10 Trade Commission Act, 15 U.S.C. ss. 41 et seq. or this act;

11 (b) The standards of unfairness and deception set
12 forth and interpreted by the Federal Trade Commission or the
13 federal courts;

14 (c) Any law, statute, rule, regulation, or ordinance
15 which proscribes unfair methods of competition, or unfair,
16 deceptive, or unconscionable acts or practices.

17 (10) "Individual" means a single human being and does
18 not mean a firm, association of individuals, corporation,
19 partnership, joint venture, sole proprietorship, or any other
20 entity.

21 (11) "Person" includes any individual, group of
22 individuals, firm, association, corporation, partnership,
23 joint venture, sole proprietorship, or any other business
24 entity.

25 (12) "Consumer goods or services" means any real
26 property or any tangible or intangible personal property which
27 is normally used for personal, family, or household purposes
28 including, without limitation, any such property intended to
29 be attached to or installed in any real property, without
30 regard to whether it is so attached or installed.

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1 (13) "Commercial goods or services" means any real
2 property or any tangible or intangible personal property which
3 is normally used for commercial or business purposes
4 including, without limitation, any such property intended to
5 be attached to or installed in any real property, without
6 regard to whether it is so attached or installed.

7 Section 2. Section 501.2041, Florida Statutes, is
8 created to read:

9 501.2041 Unlawful discriminatory practices.--

10 (1) Notwithstanding the terms of any agreement, it
11 shall be unlawful, by contract or otherwise, for any person or
12 individual to in any way restrict, or threaten or attempt to
13 restrict, the sale or lease of any consumer or commercial
14 goods or services to a consumer or prospective consumer
15 because of the consumer's or prospective consumer's race, age,
16 sex, national origin, creed, color, residence, or domicile, or
17 intended place of use of the goods or services.

18 (2) Notwithstanding the terms of any agreement, it
19 shall be unlawful, by contract or otherwise, for any person or
20 individual to implement any penalty or make any charge against
21 a person or individual, or consumer or prospective consumer,
22 or withhold from or fail to pay to a person or individual, or
23 consumer or prospective consumer, any incentive, bonus,
24 holdback allowance, or rebate for sale or lease of consumer or
25 commercial goods or services because of the person's or
26 individual's, or consumer's or prospective consumer's, race,
27 age, sex, national origin, creed, color, residence, or
28 domicile, or intended place of use of the goods or services.

29 (3) A violation of this section constitutes a
30 violation of this part as defined in s. 501.203, punishable as
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1 provided in part II of chapter 501, relating to deceptive and
2 unfair trade practices.

3 Section 3. This act shall take effect October 1, 1997.

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6 HOUSE SUMMARY

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8 Defines "individual," "person," "consumer goods or
9 services," and "commercial goods or services" with
10 respect to the Florida Deceptive and Unfair Trade
11 Practices Act. Defines the unlawful discriminatory
12 practice of restricting, or threatening or attempting to
13 restrict, the sale or lease of consumer or commercial
14 goods or services on the basis of race, age, sex,
15 national origin, creed, color, residence, or domicile, or
16 intended place of use of the goods or services. Defines
17 the unlawful discriminatory practice of implementing any
18 penalty or making any charge against a person,
19 individual, or consumer or prospective consumer, or
20 withholding from or failing to pay to same, an incentive,
21 bonus, holdback allowance, or rebate, for sale or lease
22 of consumer or commercial goods on similar basis.
23 Provides that such unlawful discriminatory practices
24 constitute violations of part II of chapter 501, F.S.
25 Provides penalties.

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