

1 A bill to be entitled
 2 An act relating to consumer protection; amending ss.
 3 501.203 and 501.204, F.S.; changing obsolete dates;
 4 reenacting and amending s. 501.207, F.S., relating to
 5 remedies of the enforcing authority under the Florida
 6 Deceptive and Unfair Trade Practices Act; providing that
 7 the court may order actions brought under that act on
 8 behalf of an enterprise; 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. Subsection (3) of section 501.203, Florida
 13 Statutes, is amended to read:

14 501.203 Definitions.--As used in this chapter, unless the
 15 context otherwise requires, the term:

16 (3) "Violation of this part" means any violation of this
 17 act or the rules adopted under this act and may be based upon
 18 any of the following as of July 1, 2006 ~~2001~~:

19 (a) Any rules promulgated pursuant to the Federal Trade
 20 Commission Act, 15 U.S.C. ss. 41 et seq.;

21 (b) The standards of unfairness and deception set forth
 22 and interpreted by the Federal Trade Commission or the federal
 23 courts;

24 (c) Any law, statute, rule, regulation, or ordinance which
 25 proscribes unfair methods of competition, or unfair, deceptive,
 26 or unconscionable acts or practices.

27 Section 2. Subsection (2) of section 501.204, Florida
 28 Statutes, is amended to read:

29 | 501.204 Unlawful acts and practices.--

30 | (2) It is the intent of the Legislature that, in
 31 | construing subsection (1), due consideration and great weight
 32 | shall be given to the interpretations of the Federal Trade
 33 | Commission and the federal courts relating to s. 5(a)(1) of the
 34 | Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July
 35 | 1, 2006 ~~2001~~.

36 | Section 3. Subsection (1) of section 501.207, Florida
 37 | Statutes, is reenacted, and subsection (3) of that section is
 38 | amended to read:

39 | 501.207 Remedies of enforcing authority.--

40 | (1) The enforcing authority may bring:

41 | (a) An action to obtain a declaratory judgment that an act
 42 | or practice violates this part.

43 | (b) An action to enjoin any person who has violated, is
 44 | violating, or is otherwise likely to violate, this part.

45 | (c) An action on behalf of one or more consumers or
 46 | governmental entities for the actual damages caused by an act or
 47 | practice in violation of this part. However, damages are not
 48 | recoverable under this section against a retailer who has in
 49 | good faith engaged in the dissemination of claims of a
 50 | manufacturer or wholesaler without actual knowledge that it
 51 | violated this part.

52 | (3) Upon motion of the enforcing authority or any
 53 | interested party in any action brought under subsection (1), the
 54 | court may make appropriate orders, including, but not limited
 55 | to, appointment of a general or special magistrate or receiver
 56 | or sequestration or freezing of assets, to reimburse consumers

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57 | or governmental entities found to have been damaged; to carry
58 | out a transaction in accordance with the reasonable expectations
59 | of consumers or governmental entities; to strike or limit the
60 | application of clauses of contracts to avoid an unconscionable
61 | result; to bring actions in the name of and on behalf of the
62 | defendant enterprise; to order any defendant to divest herself
63 | or himself of any interest in any enterprise, including real
64 | estate; to impose reasonable restrictions upon the future
65 | activities of any defendant to impede her or him from engaging
66 | in or establishing the same type of endeavor; to order the
67 | dissolution or reorganization of any enterprise; or to grant
68 | ~~legal, equitable, or~~ other appropriate relief. The court may
69 | assess the expenses of a general or special magistrate or
70 | receiver against a person who has violated, is violating, or is
71 | otherwise likely to violate this part. Any injunctive order,
72 | whether temporary or permanent, issued by the court shall be
73 | effective throughout the state unless otherwise provided in the
74 | order.

75 | Section 4. This act shall take effect July 1, 2006.