

1 A bill to be entitled
 2 An act relating to deceptive and unfair trade
 3 practices; amending s. 501.2077, F.S.; revising and
 4 providing definitions; providing additional penalties
 5 for certain violations of the Florida Deceptive and
 6 Unfair Trade Practices Act committed against a
 7 military servicemember or her or his spouse or
 8 children; revising terminology with respect to
 9 violations committed against disabled persons;
 10 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 501.2077, Florida Statutes, is amended
 15 to read:

16 501.2077 Violations involving senior citizen, disabled or
 17 handicapped person, or military servicemember or her or his
 18 spouse or children; civil penalties; presumption.—

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

20 (a) "Senior citizen" means a person who is 60 years of age
 21 or older.

22 (b) "Disabled ~~Handicapped~~ person" means any person who has
 23 a physical, mental, or educational impairment which
 24 substantially limits one or more major life activities.

25 (c) "Mental or educational impairment" means:

26 1. Any mental or psychological disorder or specific
 27 learning disability.

28 2. Any educational deficiency which substantially affects

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29 a person's ability to read and comprehend the terms of any
30 contractual agreement entered into.

31 (d) "Major life activities" means functions associated
32 with the normal activities of independent daily living such as
33 caring for one's self, performing manual tasks, walking, seeing,
34 hearing, speaking, breathing, learning, and working.

35 (e) "Military servicemember" means a person who is on
36 active duty or is a veteran of the United States Armed Forces.

37 For purposes of this paragraph, the term:

38 1. "Active duty" has the same meaning as provided in s.
39 250.01.

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

41 (2) A ~~Any~~ person who ~~is~~ willfully uses ~~using,~~ or has
42 willfully used, in violation of this part, a method, act, or
43 practice ~~that in violation of this part, which method, act, or~~
44 ~~practice~~ victimizes or attempts to victimize a senior citizen, a
45 disabled person, a military servicemember, or the spouse or
46 child of a military servicemember ~~citizens or handicapped~~
47 ~~persons,~~ and commits such violation when she or he knew or
48 should have known that the ~~her or his~~ conduct was unfair or
49 deceptive, is liable for a civil penalty of not more than
50 \$15,000 for each such violation.

51 (3) Any order of restitution or reimbursement based on a
52 violation of this part committed against a senior citizen,
53 disabled or handicapped person, military servicemember, or the
54 spouse or child of a military servicemember has priority over
55 the imposition of civil penalties for such violations pursuant
56 to this section.

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57 (4) Civil penalties collected pursuant to this section
58 shall be deposited into the Legal Affairs Revolving Trust Fund
59 of the Department of Legal Affairs and allocated solely to the
60 Department of Legal Affairs for the purpose of preparing and
61 distributing consumer education materials, programs, and
62 seminars to benefit senior citizens, disabled ~~and handicapped~~
63 persons, and military servicemembers and their immediate
64 families, or to further enforcement efforts.

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