

1                   A bill to be entitled  
 2           An act relating to deceptive and unfair trade  
 3           practices; amending s. 501.2077, F.S.; providing  
 4           definitions; authorizing a civil penalty for a person  
 5           who willfully uses a deceptive or unfair trade act or  
 6           practice against a military service member or the  
 7           member's spouse or child in certain circumstances;  
 8           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, or military service  
 16 member; civil penalties; presumption.-

17           (1) As used in this section:

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

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

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

33        (c) "Military service member" means a person who is on  
 34 active duty in or a veteran of the United States Armed Forces.

35        1. "Active duty" has the same meaning as in s. 250.01.

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

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

46        (3) A person who willfully uses a method, act, or practice  
 47 in violation of this part directed at a military service member  
 48 or the spouse or child of a military service member is liable  
 49 for a civil penalty of not more than \$15,000 for each violation  
 50 if she or he should have known that her or his conduct was  
 51 unfair or deceptive.

52        ~~(4)-(3)~~ An ~~Any~~ order of restitution or reimbursement based  
 53 on a violation of this part committed against a senior citizen,  
 54 a ~~or handicapped~~ person who has a disability, or a military  
 55 service member has priority over the imposition of civil  
 56 penalties for such violations pursuant to this section.

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57 |        (5)~~(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, ~~and handicapped persons~~ who  
63 | have a disability, and military service members or to further  
64 | enforcement efforts.

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