

1 A bill to be entitled
 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 child in certain
 8 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 child of a military servicemember; civil
 17 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 child of a
 51 military servicemember is liable for a civil penalty of not more
 52 than \$15,000 for each such violation if she or he knew or should
 53 have known that her or his conduct was unfair or deceptive.

54 (4) ~~(3)~~ An ~~Any~~ order of restitution or reimbursement based
 55 on a violation of this part committed against a senior citizen,
 56 a ~~or handicapped~~ person who has a disability, a military

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57 servicemember, or the spouse or child of a military
58 servicemember has priority over the imposition of civil
59 penalties for such violations pursuant to this section.

60 (5)~~(4)~~ Civil penalties collected pursuant to this section
61 shall be deposited into the Legal Affairs Revolving Trust Fund
62 of the Department of Legal Affairs and allocated solely to the
63 Department of Legal Affairs for the purpose of preparing and
64 distributing consumer education materials, programs, and
65 seminars to benefit senior citizens, ~~and handicapped~~ persons who
66 have a disability, and military servicemembers or to further
67 enforcement efforts.

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