



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

55           (4)-(3) An ~~Any~~ order of restitution or reimbursement based  
 56 on a violation of this part committed against a senior citizen,



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57 | a ~~or~~ handicapped person who has a disability, a military  
58 | servicemember, or the spouse or dependent child of a military  
59 | servicemember has priority over the imposition of civil  
60 | penalties for such violations pursuant to this section.

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

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