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LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/23/2013 11:55 AM

Senator Simpson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 501.2077, Florida Statutes, is reordered
and amended to read:

501.2077 Violations involving senior citizen, ~~or~~
handicapped person who has a disability, military servicemember,
or the spouse or child of a military servicemember; civil
penalties; presumption.—

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

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



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

17 ~~(b) (e)~~ "Mental or educational impairment" means:

18 1. ~~A Any~~ mental or psychological disorder or specific
19 learning disability.

20 2. ~~An Any~~ educational deficiency ~~that~~ ~~which~~ substantially
21 affects a person's ability to read and comprehend the terms of
22 any contractual agreement entered into.

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

27 ~~(c)~~ "Military servicemember" means a person who is on
28 active duty in, or a veteran of, the United States Armed Forces.

29 1. "Active duty" has the same meaning as provided in s.
30 250.01.

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

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

41 ~~(3)~~ A person who is willfully using, or has willfully used,
42 a method, act, or practice in violation of this part directed at



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43 a military servicemember or the spouse or child of a military
44 servicemember is liable for a civil penalty of not more than
45 \$15,000 for each such violation if she or he knew or should have
46 known that her or his conduct was unfair or deceptive.

47 (4)(3) An ~~Any~~ order of restitution or reimbursement based
48 on a violation of this part committed against a senior citizen,
49 a ~~or handicapped~~ person who has a disability, a military
50 servicemember, or the spouse or child of a military
51 servicemember has priority over the imposition of civil
52 penalties for such violations pursuant to this section.

53 (5)(4) Civil penalties collected pursuant to this section
54 shall be deposited into the Legal Affairs Revolving Trust Fund
55 of the Department of Legal Affairs and allocated solely to the
56 Department of Legal Affairs for the purpose of preparing and
57 distributing consumer education materials, programs, and
58 seminars to benefit senior citizens, ~~and handicapped~~ persons who
59 have a disability, and military servicemembers or to further
60 enforcement efforts.

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

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63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause
66 and insert:

67 A bill to be entitled
68 An act relating to deceptive and unfair trade
69 practices; reordering and amending s. 501.2077, F.S.;
70 providing definitions; authorizing a civil penalty for
71 a person who willfully uses a deceptive or unfair



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trade act or practice against a military servicemember
or the servicemember's spouse or child in certain
circumstances; providing an effective date.