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.
9
10   Be It Enacted by the Legislature of the State of Florida:
11
12   Section 1. Section 501.2077, Florida Statutes, is reordered
13   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.

57   (5)~~(4)~~ Civil penalties collected pursuant to this section

58 shall be deposited into the Legal Affairs Revolving Trust Fund

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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 <u>who</u>
63 <u>have a disability, and military service members</u> or to further
64 enforcement efforts.
65   Section 2. This act shall take effect July 1, 2013.