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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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04/25/2013 11:01 AM

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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 dependent 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 dependent child of a  
44 military servicemember is liable for a civil penalty of not more  
45 than \$15,000 for each such violation if she or he knew or should  
46 have 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 dependent 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.

62  
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; amending s. 501.2077, F.S.; providing  
70 definitions; authorizing a civil penalty for a person  
71 who willfully uses a deceptive or unfair trade act or



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practice against a military service member or the  
member's spouse or dependent child in certain  
circumstances; providing an effective date.