

By Senator Simpson

18-01368A-13

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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; including physical impairment within the
 5 definition of "person who has a disability";
 6 authorizing a civil penalty for a person who willfully
 7 uses a deceptive or unfair trade act or practice
 8 against a military service member or the member's
 9 spouse or child in certain circumstances; providing an
 10 effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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

16 501.2077 Violations involving senior citizen, or
 17 ~~handicapped~~ person who has a disability, or military service
 18 member; civil penalties; presumption.-

19 (1) As used in this section:

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

22 (d)-(b) "~~Handicapped~~ Person who has a disability" means a
 23 any person who has a physical, mental, or educational impairment
 24 that ~~which~~ substantially limits one or more major life
 25 activities.

26 (b)-(e) "Mental or educational impairment" means:

27 1. A ~~Any~~ mental or psychological disorder or specific
 28 learning disability.

29 2. An ~~Any~~ educational deficiency that ~~which~~ substantially

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30 affects a person's ability to read and comprehend the terms of
31 any contractual agreement entered into.

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

36 (c) "Military service member" means a person who is on
37 active duty in or a veteran of the United States Armed Forces.

38 1. "Active duty" has the same meaning as in s. 250.01.

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

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

49 (3) A person who willfully uses a method, act, or practice
50 in violation of this part directed at a military service member
51 or the spouse or child of a military service member is liable
52 for a civil penalty of not more than \$15,000 for each violation
53 if she or he should have known that her or his conduct was
54 unfair or deceptive.

55 ~~(4)-(3)~~ An ~~Any~~ order of restitution or reimbursement based
56 on a violation of this part committed against a senior citizen,
57 a ~~or handicapped~~ person who has a disability, or a military
58 service member has priority over the imposition of civil

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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 service members or to further
67 enforcement efforts.

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