

CHAPTER 2013-210

Committee Substitute for Committee Substitute for House Bill No. 1223

An act relating to deceptive and unfair trade practices; reordering and amending s. 501.2077, F.S.; providing definitions; authorizing a civil penalty for a person who willfully uses a deceptive or unfair trade act or practice against a military servicemember or the servicemember's spouse or dependent child in certain circumstances; providing an effective date.

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

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:

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

~~(b)(e)~~ “Mental or educational impairment” means:

1. ~~A~~ Any mental or psychological disorder or specific learning disability.
2. An ~~Any~~ educational deficiency that ~~which~~ substantially affects a person’s ability to read and comprehend the terms of any contractual agreement entered into.

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

1. “Active duty” has the same meaning as provided in s. 250.01.

2. “Veteran” has the same meaning as provided in s. 1.01.

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

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

(2) ~~A~~ Any person who is willfully using, or has willfully used, a method, act, or practice in violation of this part, ~~which method, act, or practice~~

~~victimizes or attempts to victimize a senior citizen eitizens or a person who has a disability handicapped persons, and commits such violation when she or he knew or should have known that her or his conduct was unfair or deceptive, is liable for a civil penalty of not more than \$15,000 for each such violation if she or he knew or should have known that her or his conduct was unfair or deceptive.~~

~~(3) A person who is willfully using, or has willfully used, a method, act, or practice in violation of this part directed at a military servicemember or the spouse or dependent child of a military servicemember is liable for a civil penalty of not more than \$15,000 for each such violation if she or he knew or should have known that her or his conduct was unfair or deceptive.~~

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

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

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

Approved by the Governor June 14, 2013.

Filed in Office Secretary of State June 14, 2013.