

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Grant offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 501.2077 Violations involving senior citizen, ~~or~~  
9 ~~handicapped~~ person who has a disability, or military service  
10 member; civil penalties; presumption.-

11 (1) As used in this section:

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

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.

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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 service member" 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 in s. 250.01.

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

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

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

46           ~~(4)-(3)~~ An ~~Any~~ order of restitution or reimbursement based  
47 on a violation of this part committed against a senior citizen,

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48 a ~~or handicapped~~ person who has a disability, or a military  
49 service member has priority over the imposition of civil  
50 penalties for such violations pursuant to this section.

51 (5)~~(4)~~ Civil penalties collected pursuant to this section  
52 shall be deposited into the Legal Affairs Revolving Trust Fund  
53 of the Department of Legal Affairs and allocated solely to the  
54 Department of Legal Affairs for the purpose of preparing and  
55 distributing consumer education materials, programs, and  
56 seminars to benefit senior citizens, and handicapped persons who  
57 have a disability, and military service members or to further  
58 enforcement efforts.

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

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62 **T I T L E A M E N D M E N T**

63 Remove everything before the enacting clause and insert:

64 A bill to be entitled

65 An act relating to deceptive and unfair trade  
66 practices; amending s. 501.2077, F.S.; providing  
67 definitions; including physical impairment within the  
68 definition of "person who has a disability";  
69 authorizing a civil penalty for a person who willfully  
70 uses a deceptive or unfair trade act or practice  
71 against a military service member or the member's  
72 spouse or child in certain circumstances; providing an  
73 effective date.