

**STATE
FISCAL IMPACT**

Drafting Number: LLS 11-1065
Prime Sponsor(s): Sen. Shaffer B.

Date: May 3, 2011
Bill Status: Senate Judiciary
Fiscal Analyst: Kirk Mlinek (303-866-3521)

TITLE: CONCERNING THE PROHIBITION OF DECEPTIVE TRADE PRACTICES IN THE SOLICITATION OF ORDERS FOR RETAIL FLORIST SERVICES.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2011-2012: None required.		
Local Government Impact: None.		

Summary of Legislation

The bill makes it a deceptive trade practice for a person who gathers, solicits, aggregates, or relays customer orders for florist services by means of a web site or any other method when such person:

- fails to disclose the person's name, physical location, and local telephone number and the name, physical location, and telephone number of the florist who will fill the order;
- charges the customer any fee or surcharge that is not clearly disclosed, in advance, to both the customer and the florist who will fill the order; or
- fails to relay the customer's order immediately to the florist who will fill it.

State Revenue

The bill may increase state revenue from civil penalties; however, the potential increase has not been estimated. Deceptive trade practices are punishable by a civil penalty of up to \$2,000 per violation. Each transaction is considered a separate violation and there is a \$500,000 maximum civil penalty for any series of violations. Deceptive trade practices perpetrated on a victim over the age of 60 are punishable by a civil penalty of up to \$10,000.

The Attorney General and local district attorneys have the discretion to file a case in district court seeking an order to bar an offending party from engaging in deceptive trade practices. Violations of deceptive practice-related court orders and injunctions issued pursuant to current law are punishable by a civil penalty of up to \$10,000. Civil penalties paid to the state are credited to the General Fund.

State Expenditures

Prosecution of deceptive trade practices is the responsibility of both the Attorney General and local district attorneys. Private parties may also bring suit for damages. Few cases of this type of deceptive trade practices are anticipated and any associated increase in the courts' workload will be absorbed within existing appropriations.

Departments Contacted

Law Judicial