

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

.
. .
.

Representative Paul offered the following:

Amendment to Amendment (118247) (with directory and title amendments)

Remove line(s) 65-117, and insert:

(3)~~(5)~~(a) Any agency, office, bureau, division, or board of state government receiving a complaint which deals with consumer fraud or consumer protection and which is not within the jurisdiction of the receiving agency, office, bureau, division, or board originally receiving it, shall immediately refer the complaint to the Division of Consumer Services.

(b) Upon receipt of such a complaint, the Division of Consumer Services shall make a determination of the proper jurisdiction to which the complaint relates and shall immediately refer the complaint to the agency, office, bureau, division, or board which does have the proper regulatory or enforcement authority to deal with it.

Amendment No. (for drafter's use only)

28 ~~(6) (a) The office or agency to which a complaint has been~~
29 ~~referred shall within 30 days acknowledge receipt of the~~
30 ~~complaint and report on the disposition made of the complaint.~~
31 ~~In the event a complaint has not been disposed of within 30~~
32 ~~days, the receiving office or agency shall file progress reports~~
33 ~~with the Division of Consumer Services no less frequently than~~
34 ~~30 days until final disposition.~~

35 ~~(b) The report shall contain at least the following~~
36 ~~information:~~

37 ~~1. A finding of whether the receiving agency has~~
38 ~~jurisdiction of the subject matter involved in the complaint.~~

39 ~~2. Whether the complaint is deemed to be frivolous, sham,~~
40 ~~or without basis in fact or law.~~

41 ~~3. What action has been taken and a report on whether the~~
42 ~~original complainant was satisfied with the final disposition.~~

43 ~~4. Any recommendation regarding needed changes in law or~~
44 ~~procedure which in the opinion of the reporting agency or office~~
45 ~~will improve consumer protection in the area involved.~~

46 ~~(7) (a) If the office or agency receiving a complaint fails~~
47 ~~to file a report as contemplated in this section, that failure~~
48 ~~shall be construed as a denial by the receiving office or agency~~
49 ~~that it has jurisdiction of the subject matter contained in the~~
50 ~~complaint.~~

51 ~~(b) If an office or agency receiving a complaint~~
52 ~~determines that the matter presents a prima facie case for~~
53 ~~criminal prosecution or if the complaint cannot be settled at~~
54 ~~the administrative level, the complaint together with all~~
55 ~~supporting evidence shall be transmitted to the Department of~~
56 ~~Legal Affairs or other appropriate enforcement agency with a~~

636331

Amendment No. (for drafter's use only)

57 ~~recommendation for civil or criminal action warranted by the~~
58 ~~evidence.~~

59 (4)~~(8)~~ The records of the Division of Consumer Services
60 are public records. However, customer lists, customer names, and
61 trade secrets are confidential and exempt from the provisions of
62 s. 119.07(1). Disclosure necessary to enforcement procedures
63 shall not be construed as violative of this prohibition.

64 (5)~~(9)~~ It shall be the duty of the Division of Consumer
65 Services to maintain records and compile summaries and analyses
66 of consumer complaints under its jurisdiction and their eventual
67 disposition, which data may serve as a basis for recommendations
68 to the Legislature and to state regulatory agencies.

69
70
71 ===== T I T L E A M E N D M E N T =====

72 Remove line(s) 164, and insert:
73 amending s. 570.544, F.S.; reducing consumer complaint