

By the Committee on Commerce and Consumer Services; and
Senator Lynn

577-1794-05

1 A bill to be entitled
2 An act relating to consumer protection;
3 amending s. 493.6303, F.S.; revising training
4 requirements for obtaining a Class "D" license;
5 requiring a minimum number of hours of training
6 in terrorism awareness or other training
7 prescribed by the Department of Agriculture and
8 Consumer Services; providing a timeframe for
9 submitting proof of having completed the
10 training; revising the number of training hours
11 required; amending s. 501.059, F.S.;
12 prohibiting the transmission of facsimile
13 documents under certain circumstances;
14 providing for attorney's fees and for the
15 recovery of certain litigation expenses by the
16 department and the Department of Legal Affairs;
17 repealing ss. 546.001, 546.002, 546.003,
18 546.004, 546.006, and 546.008, F.S., relating
19 to the "Amusement Ride and Attraction Insurance
20 Act"; amending s. 559.801, F.S.; redefining the
21 term "business opportunity" for purposes of the
22 "Sale of Business Opportunities Act"; amending
23 s. 559.920, F.S.; redefining actions by motor
24 vehicle repair shops or employees which are
25 unlawful; amending s. 559.927, F.S.; defining
26 the term "travel club" for the purpose of part
27 XI of ch. 559, F.S., relating to sellers of
28 travel; amending s. 559.928, F.S.; revising
29 information to be submitted for registration as
30 a seller of travel and information submitted by
31 independent agents; requiring the payment of an

1 annual fee; amending s. 616.242, F.S.; deleting
2 provisions authorizing the owner of an
3 amusement ride to maintain liability protection
4 in the form of a surety bond; exempting certain
5 governmental entities from a requirement to
6 maintain liability protection covering
7 amusement rides; amending s. 849.094, F.S.;
8 redefining the term "operator" for purposes of
9 the regulation of game promotions; providing
10 requirements relating to disclosure of the
11 rules and regulations of a game promotion;
12 increasing the annual filing fee; directing the
13 State Technology Office to integrate additional
14 features into the state's official Internet
15 website; directing the State Technology Office
16 to integrate information concerning the Florida
17 211 Network into the state's official Internet
18 website; amending s. 570.544, F.S.; designating
19 the Division of Consumer Services within the
20 Department of Agriculture and Consumer Services
21 as the state clearinghouse for matters relating
22 to consumer protection, consumer information,
23 and consumer services; deleting reporting
24 requirements; amending s. 496.405, F.S.;
25 increasing registration fees for charitable
26 organizations; amending s. 501.015, F.S.;
27 increasing health studios' registration fees;
28 repealing s. 559.904(5), F.S., which provides
29 an exemption from registration fees for motor
30 vehicle repair shops in specified
31 jurisdictions; providing appropriations and

1 authorizing additional positions; providing
2 effective dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 493.6303, Florida Statutes, is
7 amended to read:

8 493.6303 License requirements.--In addition to the
9 license requirements set forth elsewhere in this chapter, each
10 individual or agency shall comply with the following
11 additional requirements:

12 (1) Each agency or branch office shall designate a
13 minimum of one appropriately licensed individual to act as
14 manager, directing the activities of the Class "D" employees.

15 (2) An applicant for a Class "MB" license shall have 2
16 years of lawfully gained, verifiable, full-time experience, or
17 training in:

18 (a) Security work or related fields of work that
19 provided equivalent experience or training;

20 (b) Experience described in paragraph (a) for 1 year
21 and experience described in paragraph (c) for 1 year;

22 (c) No more than 1 year using:

23 1. Either college coursework related to criminal
24 justice, criminology, or law enforcement administration; or

25 2. Successfully completed law enforcement-related
26 training received from any federal, state, county, or
27 municipal agency; or

28 (d) Experience described in paragraph (a) for 1 year
29 and work in a managerial or supervisory capacity for 1 year.

30 (3) An applicant for a Class "M" license shall qualify
31 for licensure as a Class "MA" manager as outlined under s.

1 493.6203(2) and as a Class "MB" manager as outlined under
2 subsection (2).

3 (4)(a) Effective January 1, 2006 ~~October 1, 1994~~, an
4 applicant for a Class "D" license must complete ~~have completed~~
5 a minimum of 44 ~~40~~ hours of professional training administered
6 by at a school or training facility licensed by the
7 department. The department shall by rule establish the general
8 content and number of hours of all the training. Such training
9 must include at least 8 hours of instruction in terrorism
10 awareness or other special training prescribed by the
11 department.

12 (b) An applicant may fulfill the training requirement
13 prescribed in paragraph (a) by submitting proof of:

14 1. Successful completion of the total number of
15 required ~~40~~ hours of training before initial application for a
16 Class "D" license; or

17 2. Successful completion of 24 hours of training
18 before initial application ~~for~~, and the remaining 16 hours of
19 training within 180 days after the date upon the first
20 application is submitted for renewal of, a Class "D" license.
21 If documentation of completion of the required training is not
22 submitted within the specified timeframe, the individual's
23 license is automatically suspended until such time as proof of
24 the required training is provided to the department. However,
25 Individuals licensed before October 1, 1994, or individuals
26 who have successfully completed 40 hours of professional
27 training before January 1, 2006, at a school or training
28 facility licensed by the department, are exempt from the
29 training requirements of paragraph (a) need not complete
30 additional training hours in order to renew their licenses.

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1 However, any person whose license has been revoked or whose
2 license has been expired for 1 year or longer is considered,
3 upon reapplication for a license, an initial applicant and
4 must submit proof of successful completion of the total number
5 of required ~~40~~ hours of professional training at a school or
6 training facility licensed by the department.

7 (5) An applicant for a Class "G" license shall satisfy
8 the firearms training outlined in s. 493.6115.

9 Section 2. Subsections (7), (8), and (9) of section
10 501.059, Florida Statutes, are amended to read:

11 501.059 Telephone solicitation.--

12 (7)(a) ~~A No~~ person may not ~~shall~~ make or knowingly
13 allow a telephonic sales call to be made if the ~~such~~ call
14 involves an automated system for the selection or dialing of
15 telephone numbers or the playing of a recorded message when a
16 connection is completed to a number called.

17 (b) Nothing herein prohibits the use of an automated
18 telephone dialing system with live messages if the calls are
19 made or messages given solely in response to calls initiated
20 by the persons to whom the automatic calls or live messages
21 are directed or if the telephone numbers selected for
22 automatic dialing have been screened to exclude any telephone
23 subscriber who is included on the department's then-current
24 "no sales solicitation calls" listing or any unlisted
25 telephone number, or if the calls made concern goods or
26 services that have been previously ordered or purchased.

27 (c) A person may not transmit, or knowingly allow the
28 transmission of, a facsimile of documents through connection
29 with a telephone network if the facsimile transmission
30 involves unsolicited advertising material for the sale of any
31 real property, goods, or services.

1 (8) The department shall investigate any complaints
2 received concerning violations of this section. If, after
3 investigating any complaint, the department finds that there
4 has been a violation of this section, the department or the
5 Department of Legal Affairs may bring an action to impose a
6 civil penalty and to seek other relief, including injunctive
7 relief, as the court deems appropriate against the telephone
8 solicitor. The civil penalty shall not exceed \$10,000 per
9 violation and shall be deposited in the General Inspection
10 Trust Fund if the action or proceeding was brought by the
11 department, or the Legal Affairs Revolving Trust Fund if the
12 action or proceeding was brought by the Department of Legal
13 Affairs. This civil penalty may be recovered in any action
14 brought under this part by the department, or the department
15 may terminate any investigation or action upon agreement by
16 the person to pay an agreed-upon ~~a stipulated~~ civil penalty.
17 The department or the court may waive any civil penalty if the
18 person has previously made full restitution or reimbursement
19 or has paid actual damages to the consumers who have been
20 injured by the violation.

21 (9)(a) In any civil litigation resulting from a
22 transaction involving a violation of this section, the
23 prevailing party, after judgment in the trial court and
24 exhaustion of all appeals, if any, shall receive his or her
25 reasonable attorney's fees and costs from the nonprevailing
26 party.

27 (b) The attorney for the prevailing party shall submit
28 a sworn affidavit of his or her time spent on the case and his
29 or her costs incurred for all the motions, hearings, and
30 appeals to the trial judge who presided over the civil case.
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1 (c) The trial judge shall award the prevailing party
2 the sum of reasonable costs incurred in the action plus a
3 reasonable legal fee for the hours actually spent on the case
4 as sworn to in an affidavit.

5 (d) Any award of attorney's fees or costs shall become
6 a part of the judgment and subject to execution as the law
7 allows.

8 (e) In any civil litigation initiated by the
9 department or the Department of Legal Affairs, the court shall
10 ~~may~~ award to the prevailing party reasonable attorney's fees
11 and costs ~~if the court finds that there was a complete absence~~
12 ~~of a justiciable issue of either law or fact raised by the~~
13 ~~losing party or if the court finds bad faith on the part of~~
14 ~~the losing party. Travel and per diem expenses incurred by the~~
15 department or the Department of Legal Affairs for its
16 attorneys and witnesses shall be recoverable costs by the
17 department or the Department of Legal Affairs if either party
18 prevails in civil litigation.

19 Section 3. Sections 546.001, 546.002, 546.003,
20 546.004, 546.006, and 546.008, Florida Statutes, are repealed.

21 Section 4. Paragraph (a) of subsection (1) of section
22 559.801, Florida Statutes, is amended to read:

23 559.801 Definitions.--For the purpose of ss.
24 559.80-559.815, the term:

25 (1)(a) "Business opportunity" means the sale or lease
26 of any products, equipment, supplies, or services which are
27 sold or leased to a purchaser to enable the purchaser to start
28 a business for which the purchaser is required to pay an
29 initial fee or sum of money which exceeds \$500 to the seller,
30 and in which the seller represents:
31

1 1. That the seller or person or entity affiliated with
2 or referred by the seller will provide locations, either
3 contemporaneously at the time of the sale or lease or at a
4 future time, or assist the purchaser in finding locations for
5 the use or operation of vending machines, racks, display
6 cases, currency or card operated equipment, or other similar
7 devices or currency-operated amusement machines or devices on
8 premises neither owned nor leased by the purchaser or seller;

9 2. That the seller will purchase, either
10 contemporaneously at the time of the sale or lease or at a
11 future time, any or all products made, produced, fabricated,
12 grown, bred, or modified by the purchaser using in whole or in
13 part the supplies, services, or chattels sold to the
14 purchaser;

15 3. That the seller guarantees that the purchaser will
16 derive income from the business opportunity which exceeds the
17 price paid or rent charged for the business opportunity or
18 that the seller will refund all or part of the price paid or
19 rent charged for the business opportunity, or will repurchase
20 any of the products, equipment, supplies, or chattels supplied
21 by the seller, if the purchaser is unsatisfied with the
22 business opportunity; or

23 4. That the seller will provide, either
24 contemporaneously at the time of the sale or lease or at a
25 future time, a sales program or marketing program that will
26 enable the purchaser to derive income from the business
27 opportunity, except that this paragraph does not apply to the
28 sale of a sales program or marketing program made in
29 conjunction with the licensing of a trademark or service mark
30 that is registered under the laws of any state or of the
31

1 United States if the seller requires use of the trademark or
2 service mark in the sales agreement.

3
4 For the purpose of subparagraph 1., the term "assist the
5 purchaser in finding locations" means, but is not limited to,
6 supplying the purchaser with names of locator companies,
7 contracting with the purchaser to provide assistance or supply
8 names, or collecting a fee on behalf of or for a locator
9 company.

10 Section 5. Section 559.920, Florida Statutes, is
11 amended to read:

12 559.920 Unlawful acts and practices.--It shall be a
13 violation of this act for any motor vehicle repair shop or
14 employee thereof to:

15 (1) Engage or attempt to engage in repair work for
16 compensation of any type without first being registered with
17 ~~or having submitted an affidavit of exemption to the~~
18 department;

19 (2) Make or charge for repairs which have not been
20 expressly or impliedly authorized by the customer;

21 (3) Misrepresent that repairs have been made to a
22 motor vehicle;

23 (4) Misrepresent that certain parts and repairs are
24 necessary to repair a vehicle;

25 (5) Misrepresent that the vehicle being inspected or
26 diagnosed is in a dangerous condition or that the customer's
27 continued use of the vehicle may be harmful or cause great
28 damage to the vehicle;

29 (6) Fraudulently alter any customer contract,
30 estimate, invoice, or other document;

31 (7) Fraudulently misuse any customer's credit card;

1 (8) Make or authorize in any manner or by any means
2 whatever any written or oral statement which is untrue,
3 deceptive or misleading, and which is known, or which by the
4 exercise of reasonable care should be known, to be untrue,
5 deceptive or misleading;

6 (9) Make false promises of a character likely to
7 influence, persuade, or induce a customer to authorize the
8 repair, service, or maintenance of a motor vehicle;

9 (10) Substitute used, rebuilt, salvaged, or
10 straightened parts for new replacement parts without notice to
11 the motor vehicle owner and to her or his insurer if the cost
12 of repair is to be paid pursuant to an insurance policy and
13 the identity of the insurer or its claims adjuster is
14 disclosed to the motor vehicle repair shop;

15 (11) Cause or allow a customer to sign any work order
16 that does not state the repairs requested by the customer or
17 the automobile's odometer reading at the time of repair;

18 (12) Fail or refuse to give to a customer a copy of
19 any document requiring the customer's signature upon
20 completion or cancellation of the repair work;

21 (13) Willfully depart from or disregard accepted
22 practices and professional standards;

23 (14) Have repair work subcontracted without the
24 knowledge or consent of the customer unless the motor vehicle
25 repair shop or employee thereof demonstrates that the customer
26 could not reasonably have been notified;

27 (15) Conduct the business of motor vehicle repair in a
28 location other than that stated on the registration
29 certificate;

30 (16) Rebuild or restore a rebuilt vehicle without the
31 knowledge of the owner in such a manner that it does not

1 conform to the original vehicle manufacturer's established
2 repair procedures or specifications and allowable tolerances
3 for the particular model and year; or

4 (17) Perform any other act that is a violation of this
5 part or that constitutes fraud or misrepresentation.

6 Section 6. Present subsection (11) of section 559.927,
7 Florida Statutes, is redesignated as subsection (12), and a
8 new subsection (11) is added to that section, to read:

9 559.927 Definitions.--For the purposes of this part,
10 the term:

11 (11) "Travel club" means an organization in which a
12 member has the right to receive or purchase prearranged
13 travel, tourist-related services, or tour-guide services, as
14 such prearranged travel, tourist-related services, or
15 tour-guide services are from time to time offered, for an
16 advance fee or payment, which may be subject to reservation on
17 a first-come, first-served, space-available basis, but in
18 which a member is not granted a legal or equitable interest in
19 any real property or specific right of use of any specific
20 property. A travel club properly registered under this part
21 does not constitute a timeshare interest or timeshare plan.

22 Section 7. Subsections (1) and (3) of section 559.928,
23 Florida Statutes, are amended to read:

24 559.928 Registration.--

25 (1) Each seller of travel shall annually register with
26 the department, providing: its legal business or trade name,
27 mailing address, and business locations; the full names,
28 addresses, and telephone numbers, ~~and social security numbers~~
29 of its owners or corporate officers and directors and the
30 Florida agent of the corporation; a statement whether it is a
31 domestic or foreign corporation, its state and date of

1 | incorporation, its charter number, and, if a foreign
2 | corporation, the date it registered with the State of Florida,
3 | and occupational license where applicable; the date on which a
4 | seller of travel registered its fictitious name if the seller
5 | of travel is operating under a fictitious or trade name; the
6 | name of all other corporations, business entities, and trade
7 | names through which each owner of the seller of travel
8 | operated, was known, or did business as a seller of travel
9 | within the preceding 5 years; a list of all authorized
10 | independent agents, including the agent's trade name, full
11 | name, mailing address, business address, telephone numbers,
12 | and social security number; the business location and address
13 | of each branch office and full name and address of the manager
14 | or supervisor; and proof of purchase of adequate bond or
15 | establishment of a letter of credit or certificate of deposit
16 | as required in this part. A certificate evidencing proof of
17 | registration shall be issued by the department and must be
18 | prominently displayed in the seller of travel's primary place
19 | of business.

20 | (3) Each independent agent shall annually file an
21 | affidavit with the department and pay a fee of \$150 prior to
22 | engaging in business in this state. This affidavit must
23 | include the independent agent's full name, legal business or
24 | trade name, mailing address, business address, and telephone
25 | number, ~~social security number~~, and the name or names and
26 | addresses of each seller of travel represented by the
27 | independent agent and must be accompanied by a copy of the
28 | independent agent's current contract with each seller of
29 | travel. A letter evidencing proof of filing must be issued by
30 | the department and must be prominently displayed in the
31 | independent agent's primary place of business. As used in

1 | this subsection, the term "independent agent" means a person
2 | who represents a seller of travel by soliciting persons on its
3 | behalf; who has a written contract with a seller of travel
4 | which is operating in compliance with this part and any rules
5 | adopted thereunder; who does not receive a fee, commission, or
6 | other valuable consideration directly from the purchaser for
7 | the seller of travel; who does not at any time have any
8 | unissued ticket stock or travel documents in his or her
9 | possession; and who does not have the ability to issue
10 | tickets, vacation certificates, or any other travel document.
11 | The term "independent agent" does not include an affiliate of
12 | the seller of travel, as that term is used in s. 559.935(3),
13 | or the employees of the seller of travel or of such
14 | affiliates.

15 | Section 8. Paragraph (b) of subsection (5) and
16 | subsection (9) of section 616.242, Florida Statutes, are
17 | amended to read:

18 | 616.242 Safety standards for amusement rides.--

19 | (5) ANNUAL PERMIT.--

20 | (b) To apply for an annual permit an owner must submit
21 | to the department a written application on a form prescribed
22 | by rule of the department, which must include the following:

23 | 1. The legal name, address, and primary place of
24 | business of the owner.

25 | 2. A description, manufacturer's name, serial number,
26 | model number and, if previously assigned, the United States
27 | Amusement Identification Number of the amusement ride.

28 | 3. A valid certificate of insurance ~~or bond~~ for each
29 | amusement ride.

30 | 4. An affidavit of compliance that the amusement ride
31 | was inspected in person by the affiant and that the amusement

1 ride is in general conformance with the requirements of this
2 section and all applicable rules adopted by the department.
3 The affidavit must be executed by a professional engineer or a
4 qualified inspector no earlier than 60 days before, but not
5 later than, the date of the filing of the application with the
6 department. The owner shall request inspection and permitting
7 of the amusement ride within 60 days of the date of filing the
8 application with the department. The department shall inspect
9 and permit the amusement ride within 60 days after filing the
10 application with the department.

11 5. If required by subsection (6), an affidavit of
12 nondestructive testing dated and executed no earlier than 60
13 days prior to, but not later than, the date of the filing of
14 the application with the department. The owner shall request
15 inspection and permitting of the amusement ride within 60 days
16 of the date of filing the application with the department. The
17 department shall inspect and permit the amusement ride within
18 60 days after filing the application with the department.

19 6. A request for inspection.

20 7. Upon request, the owner shall, at no cost to the
21 department, provide the department a copy of the
22 manufacturer's current recommended operating instructions in
23 the possession of the owner, the owner's operating fact sheet,
24 and any written bulletins in the possession of the owner
25 concerning the safety, operation, or maintenance of the
26 amusement ride.

27 (9) INSURANCE REQUIREMENTS.--

28 (a) An owner may not operate an amusement ride unless
29 the owner has in effect at all times of operation ~~insurance~~
30 ~~meeting the following requirements:~~

31

1 ~~1.~~ an insurance policy in an amount of not less than
2 \$1 million per occurrence, \$1 million in the aggregate, which
3 insures the owner of the amusement ride against liability for
4 injury to persons arising out of the use of the amusement
5 ride; ~~or~~

6 ~~2. A bond in a like amount; however, the aggregate~~
7 ~~liability of the surety under the bond may not exceed the face~~
8 ~~amount thereof.~~

9 (b) The policy ~~or bond~~ must be procured from an
10 insurer or surety that is licensed to transact business in
11 this state or that is approved as a surplus lines insurer.

12 (c) The insurance requirements imposed under this
13 subsection do not apply to a governmental entity that is
14 covered by the provisions of s. 768.28(16).

15 Section 9. Subsections (1) and (3) of section 849.094,
16 Florida Statutes, are amended to read:

17 849.094 Game promotion in connection with sale of
18 consumer products or services.--

19 (1) As used in this section, the term:

20 (a) "Game promotion" means, but is not limited to, a
21 contest, game of chance, or gift enterprise, conducted within
22 or throughout the state and other states in connection with
23 the sale of consumer products or services, and in which the
24 elements of chance and prize are present. However, "game
25 promotion" shall not be construed to apply to bingo games
26 conducted pursuant to s. 849.0931.

27 (b) "Operator" means any person, firm, corporation, or
28 association on whose behalf a game promotion is conducted ~~or~~
29 ~~agent or employee thereof who promotes, operates, or conducts~~
30 ~~a game promotion~~, except any charitable nonprofit
31 organization.

1 (3) The operator of a game promotion in which the
2 total announced value of the prizes offered is greater than
3 \$5,000 shall file with the Department of Agriculture and
4 Consumer Services a copy of the rules and regulations of the
5 game promotion and a list of all prizes and prize categories
6 offered at least 7 days before the commencement of the game
7 promotion. Such rules and regulations may not thereafter be
8 changed, modified, or altered. The operator of a game
9 promotion shall conspicuously post the rules and regulations
10 of such game promotion in each and every retail outlet or
11 place where such game promotion may be played or participated
12 in by the public and shall also publish the rules and
13 regulations in all advertising copy used in connection
14 therewith. However, such advertising copy need only include
15 the material terms of the rules and regulations if the
16 advertising copy includes a website address, a toll-free
17 telephone number, or a mailing address where the full rules
18 and regulations may be viewed, heard, or obtained for the full
19 duration of the game promotion. Such disclosures must be
20 legible. Radio and television announcements may indicate that
21 the rules and regulations are available at retail outlets or
22 from the operator of the promotion. A nonrefundable filing fee
23 of ~~\$200~~~~\$100~~ shall accompany each filing and shall be used to
24 pay the costs incurred in administering and enforcing the
25 provisions of this section.

26 Section 10. The State Technology Office shall provide
27 a banner on the official Internet website of the state which
28 is hyperlinked to a website of the Department of Agriculture
29 and Consumer Services which:

30 (1) Aggregates a wide variety of consumer-protection
31 information and resources available from state agencies;

1 (2) Features useful tools to help consumers identify
2 which agencies have jurisdiction over specific subjects; and

3 (3) Includes alerts for consumers on known fraudulent
4 practices.

5 Section 11. The State Technology Office shall provide
6 a banner on the official Internet website of the state which
7 is hyperlinked to a website of the Florida 211 Network which:

8 (1) Profiles the information and referral system known
9 as the Florida 211 Network; and

10 (2) Lists areas within the state where the network is
11 available and the respective telephone numbers to access
12 members of the Florida 211 network.

13 Section 12. Subsections (3), (6), and (7) of section
14 570.544, Florida Statutes, are amended to read:

15 570.544 Division of Consumer Services; director;
16 powers; processing of complaints; records.--

17 (3) In addition to the powers, duties, and
18 responsibilities authorized by this or any other chapter, the
19 Division of Consumer Services shall serve as the state a
20 clearinghouse for matters relating to consumer protection,
21 consumer information, and consumer services generally. It
22 shall receive complaints and grievances from consumers and
23 promptly transmit them to that agency most directly concerned
24 in order that the complaint or grievance may be expeditiously
25 handled in the best interests of the complaining consumer. If
26 no agency exists, the Division of Consumer Services shall seek
27 a settlement of the complaint using formal or informal methods
28 of mediation and conciliation and may seek any other
29 resolution of the matter in accordance with its jurisdiction.

30 (6)~~(a)~~ The office or agency to which a complaint has
31 been referred shall within 30 days acknowledge receipt of the

1 ~~complaint and report on the disposition made of the complaint.~~
2 ~~In the event a complaint has not been disposed of within 30~~
3 ~~days, the receiving office or agency shall file progress~~
4 ~~reports with the Division of Consumer Services no less~~
5 ~~frequently than 30 days until final disposition.~~

6 ~~(b) The report shall contain at least the following~~
7 ~~information:~~

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

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

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

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

18 ~~(7)(a) If the office or agency receiving a complaint~~
19 ~~fails to file a report as contemplated in this section, that~~
20 ~~failure shall be construed as a denial by the receiving office~~
21 ~~or agency that it has jurisdiction of the subject matter~~
22 ~~contained in the complaint.~~

23 ~~(b) If an office or agency receiving a complaint~~
24 ~~determines that the matter presents a prima facie case for~~
25 ~~criminal prosecution or if the complaint cannot be settled at~~
26 ~~the administrative level, the complaint together with all~~
27 ~~supporting evidence shall be transmitted to the Department of~~
28 ~~Legal Affairs or other appropriate enforcement agency with a~~
29 ~~recommendation for civil or criminal action warranted by the~~
30 ~~evidence.~~

31

1 Section 13. Subsection (4) of section 496.405, Florida
2 Statutes, is amended to read:

3 496.405 Registration statements by charitable
4 organizations and sponsors.--

5 (4)(a) Every charitable organization, sponsor, or
6 parent organization filing on behalf of one or more chapters,
7 branches, or affiliates that is required to register under
8 this section must pay a single registration fee. A parent
9 organization filing on behalf of one or more chapters,
10 branches, or affiliates shall total all contributions received
11 by the chapters, branches, or affiliates included in the
12 registration statement to determine registration fees. Fees
13 shall be assessed as follows:

14 1.a. Twelve ~~Ten~~ dollars and fifty cents, if the
15 contributions received for the last fiscal or calendar year
16 were less than \$5,000; or

17 b. Twelve ~~Ten~~ dollars and fifty cents, if the
18 contributions actually raised or received from the public
19 during the immediately preceding fiscal year by such
20 organization or sponsor are no more than \$25,000 and the
21 fundraising activities of such organization or sponsor are
22 carried on by volunteers, members, officers, or permanent
23 employees, who are not compensated, primarily to solicit such
24 contributions, provided no part of the assets or income of
25 such organization or sponsor inures to the benefit of or is
26 paid to any officer or member of such organization or sponsor
27 or to any professional fundraising consultant, professional
28 solicitor, or commercial co-venturer;

29 2. Ninety-three ~~Seventy-five~~ dollars and seventy-five
30 cents, if the contributions received for the last fiscal year
31 were \$5,000 or more, but less than \$100,000;

1 3. One hundred fifty-six ~~twenty-five~~ dollars and
2 twenty-five cents, if the contributions received for the last
3 fiscal year were \$100,000 or more, but less than \$200,000;

4 4. Two hundred fifty dollars, if the contributions
5 received for the last fiscal year were \$200,000 or more, but
6 less than \$500,000;

7 5. Three hundred seventy-five dollars, if the
8 contributions received for the last fiscal year were \$500,000
9 or more, but less than \$1 million;

10 6. Four ~~Three~~ hundred thirty-seven ~~fifty~~ dollars and
11 fifty cents, if the contributions received for the last fiscal
12 year were \$1 million or more, but less than \$10 million;

13 7. Five ~~Four~~ hundred dollars, if the contributions
14 received for the last fiscal year were \$10 million or more.

15 (b) A charitable organization or sponsor which fails
16 to file a registration statement by the due date may be
17 assessed an additional fee for such late filing. The late
18 filing fee shall be \$25 for each month or part of a month
19 after the date on which the annual renewal statement and
20 financial report were due to be filed with the department.

21 (c) All registration fees must be paid to the
22 department and deposited into the General Inspection Trust
23 Fund.

24 Section 14. Subsection (2) of section 501.015, Florida
25 Statutes, is amended to read:

26 501.015 Health studios; registration requirements and
27 fees.--Each health studio shall:

28 (2) Remit an annual registration fee of \$350 ~~\$300~~ to
29 the department at the time of registration for each of the
30 health studio's business locations.

31

1 Section 15. Subsection (5) of section 559.904, Florida
2 Statutes, is repealed.

3 Section 16. Effective July 1, 2005, the sum of \$1.25
4 million and 23 full-time equivalent positions are appropriated
5 from the General Revenue Fund and \$1.25 million is
6 appropriated from the General Inspection Trust Fund to the
7 Department of Agriculture and Consumer Services for the
8 purpose of providing additional resources for the department's
9 clearinghouse for information and consumer complaints.

10 Section 17. Effective July 1, 2005, the sum of
11 \$140,000 is appropriated from the General Revenue Fund to the
12 Department of Agriculture and Consumer Services for the
13 purpose of upgrading the department's computer system used to
14 process consumer complaints. In addition, the sum of \$120,000
15 and two full-time equivalent positions are appropriated from
16 the General Revenue Fund to the Department of Agriculture and
17 Consumer Services for the purpose of providing additional
18 resources for the department's complaint clearinghouse.

19 Section 18. Except as otherwise expressly provided in
20 this act, this act shall take effect October 1, 2005.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1520

4 This committee substitute differs from the bill as filed in
5 that it provides the following:

- 6 1. Provides that operators of game promotions must include
7 in advertisements a website, toll-free telephone number,
8 or mailing address where the full rules and regulations
9 may be heard, viewed, or obtained;
- 10 2. Deletes the provision permitting businesses to register
11 for the state's do not call registry;
- 12 3. Directs the State Technology Office to provide a link
13 from the state's official Internet website to the
14 Department of Agriculture and Consumer Services website
15 regarding state government and consumer services and a
16 link to the Florida 2-1-1 Network;
- 17 4. Designates the Department of Agriculture and Consumer
18 Services' Division of Consumer Services as the state
19 clearinghouse for matters relating to consumer
20 protection, information;
- 21 5. Deletes the reporting requirement for complaints that had
22 been referred to agencies from the Department of
23 Agriculture and Consumer Services;
- 24 6. Raises fees for charitable organizations, health studios,
25 and operators of game promotions;
- 26 7. Deletes the exemption from registration fees for motor
27 vehicle repair shops in specified jurisdictions and
28 requires a fee for independent agents of sellers of
29 travel; and
- 30 8. Provides an appropriation of \$2,500,000 for the purpose
31 of providing additional resources for the complaint
clearinghouse, \$140,000 for the purpose of upgrading the
department's computer system used to process complaints,
and \$120,000 for the purpose of providing additional
resources for the department's complaint clearinghouse.