

Bill No. SB 1684

Barcode 154832

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (King)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. The State Technology Office shall provide a banner on the official Internet website of the state which is hyperlinked to a website of the Department of Agriculture and Consumer Services which:

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

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

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

Section 2. The State Technology Office shall provide a banner on the official Internet website of the state which is hyperlinked to a website of the Florida 211 Network which:

(1) Profiles the information and referral system known

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1 as the Florida 211 Network; and

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

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

7 570.544 Division of Consumer Services; director;
8 powers; processing of complaints; records.--

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

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

29 ~~(b) The report shall contain at least the following~~
30 ~~information:~~

31 ~~1. A finding of whether the receiving agency has~~

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1 ~~jurisdiction of the subject matter involved in the complaint.~~

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

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

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

10 ~~(7)(a) If the office or agency receiving a complaint~~
11 ~~fails to file a report as contemplated in this section, that~~
12 ~~failure shall be construed as a denial by the receiving office~~
13 ~~or agency that it has jurisdiction of the subject matter~~
14 ~~contained in the complaint.~~

15 ~~(b) If an office or agency receiving a complaint~~
16 ~~determines that the matter presents a prima facie case for~~
17 ~~criminal prosecution or if the complaint cannot be settled at~~
18 ~~the administrative level, the complaint together with all~~
19 ~~supporting evidence shall be transmitted to the Department of~~
20 ~~Legal Affairs or other appropriate enforcement agency with a~~
21 ~~recommendation for civil or criminal action warranted by the~~
22 ~~evidence.~~

23 Section 4. Subsection (4) of section 496.405, Florida
24 Statutes, is amended to read:

25 496.405 Registration statements by charitable
26 organizations and sponsors.--

27 (4)(a) Every charitable organization, sponsor, or
28 parent organization filing on behalf of one or more chapters,
29 branches, or affiliates that is required to register under
30 this section must pay a single registration fee. A parent
31 organization filing on behalf of one or more chapters,

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1 | branches, or affiliates shall total all contributions received
2 | by the chapters, branches, or affiliates included in the
3 | registration statement to determine registration fees. Fees
4 | shall be assessed as follows:

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

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

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

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

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

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

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

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

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

12 (c) All registration fees must be paid to the
13 department and deposited into the General Inspection Trust
14 Fund.

15 Section 5. Subsection (2) of section 501.015, Florida
16 Statutes, is amended to read:

17 501.015 Health studios; registration requirements and
18 fees.--Each health studio shall:

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

22 Section 6. Subsection (5) of section 559.904, Florida
23 Statutes, is repealed.

24 Section 7. Subsection (3) of section 559.928, Florida
25 Statutes, is amended to read:

26 559.928 Registration.--

27 (3) Each independent agent shall annually file an
28 affidavit with the department and pay a fee of \$150 to be
29 deposited in the General Inspection Trust Fund before ~~prior to~~
30 engaging in business in this state. This affidavit must
31 include the independent agent's full name, legal business or

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1 trade name, mailing address, business address, telephone
2 number, social security number, and the name or names and
3 addresses of each seller of travel represented by the
4 independent agent. A letter evidencing proof of filing must
5 be issued by the department and must be prominently displayed
6 in the independent agent's primary place of business. As used
7 in this subsection, the term "independent agent" means a
8 person who represents a seller of travel by soliciting persons
9 on its behalf; who has a written contract with a seller of
10 travel which is operating in compliance with this part and any
11 rules adopted thereunder; who does not receive a fee,
12 commission, or other valuable consideration directly from the
13 purchaser for the seller of travel; who does not at any time
14 have any unissued ticket stock or travel documents in his or
15 her possession; and who does not have the ability to issue
16 tickets, vacation certificates, or any other travel document.
17 The term "independent agent" does not include an affiliate of
18 the seller of travel, as that term is used in s. 559.935(3),
19 or the employees of the seller of travel or of such
20 affiliates.

21 Section 8. Subsection (3) of section 849.094, Florida
22 Statutes, is amended to read:

23 849.094 Game promotion in connection with sale of
24 consumer products or services.--

25 (3) The operator of a game promotion in which the
26 total announced value of the prizes offered is greater than
27 \$5,000 shall file with the Department of Agriculture and
28 Consumer Services a copy of the rules and regulations of the
29 game promotion and a list of all prizes and prize categories
30 offered at least 7 days before the commencement of the game
31 promotion. Such rules and regulations may not thereafter be

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1 | changed, modified, or altered. The operator of a game
 2 | promotion shall conspicuously post the rules and regulations
 3 | of such game promotion in each and every retail outlet or
 4 | place where such game promotion may be played or participated
 5 | in by the public and shall also publish the rules and
 6 | regulations in all advertising copy used in connection
 7 | therewith. Radio and television announcements may indicate
 8 | that the rules and regulations are available at retail outlets
 9 | or from the operator of the promotion. A nonrefundable filing
 10 | fee of ~~\$200~~~~\$100~~ shall accompany each filing and shall be used
 11 | to pay the costs incurred in administering and enforcing the
 12 | provisions of this section.

13 | Section 9. Effective July 1, 2005, the sum of \$1.25
 14 | million and 23 full-time equivalent positions are appropriated
 15 | from the General Revenue Fund and \$1.25 million is
 16 | appropriated from the General Inspection Trust Fund to the
 17 | Department of Agriculture and Consumer Services for the
 18 | purpose of providing additional resources for the department's
 19 | clearinghouse for information and consumer complaints.

20 | Section 10. Effective July 1, 2005, the sum of
 21 | \$140,000 is appropriated from the General Revenue Fund to the
 22 | Department of Agriculture and Consumer Services for the
 23 | purpose of upgrading the department's computer system used to
 24 | process consumer complaints. In addition, the sum of \$120,000
 25 | and two full-time equivalent positions are appropriated from
 26 | the General Revenue Fund to the Department of Agriculture and
 27 | Consumer Services for the purpose of providing additional
 28 | resources for the department's complaint clearinghouse.

29 | Section 11. Except as otherwise expressly provided in
 30 | this act, this act shall take effect October 1, 2005.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to consumer services; directing
8 the State Technology Office to integrate
9 additional features into the state's official
10 Internet website; directing the State
11 Technology Office to integrate information
12 concerning the Florida 211 Network into the
13 state's official Internet website; amending s.
14 570.544, F.S.; designating the Division of
15 Consumer Services within the Department of
16 Agriculture and Consumer Services as the state
17 clearinghouse for matters relating to consumer
18 protection, consumer information, and consumer
19 services; deleting reporting requirements;
20 amending s. 496.405, F.S.; increasing
21 registration fees for charitable organizations;
22 amending s. 501.015, F.S.; increasing health
23 studios' registration fees; repealing s.
24 559.904(5), F.S., which provides an exemption
25 from registration fees for motor vehicle repair
26 shops in specified jurisdictions; amending s.
27 559.928, F.S.; requiring registration fees for
28 independent agents of sellers of travel;
29 amending s. 849.094, F.S.; increasing a filing
30 fee for operators of a game promotion;
31 providing appropriations and authorizing

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1 additional positions; providing effective
2 dates.
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