

By the Committee on Commerce and Consumer Services

577-1072A-05

1 A bill to be entitled
2 An act relating to consumer services; directing
3 the State Technology Office to integrate
4 additional features into the state's official
5 Internet website; requiring that the office
6 solicit input from other state agencies;
7 directing the State Technology Office to
8 integrate information concerning the Florida
9 211 Network into the state's official Internet
10 website; amending s. 570.544, F.S.; designating
11 the Division of Consumer Services within the
12 Department of Agriculture and Consumer Services
13 as the state clearinghouse for matters relating
14 to consumer protection, consumer information,
15 and consumer services; specifying the duties of
16 the division with respect to coordinating with
17 consumer services representatives of other
18 state agencies; requiring the division to
19 coordinate with the Agency for Health Care
20 Administration for exchanging information
21 relating to health and human services;
22 providing an appropriation; providing an
23 effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. (1) The State Technology Office shall
28 integrate into the official Internet website of the state a
29 comprehensive consumer-related feature that:

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

1 (b) Is featured prominently on the website as a
2 readily accessible location for Floridians to go when they
3 wish to obtain information on making a business inquiry or
4 complaint;

5 (c) Features useful tools to help consumers identify
6 which agencies have jurisdiction over specific subjects;

7 (d) Includes alerts for consumers on known fraudulent
8 practices; and

9 (e) Includes a section that is accessible by
10 consumer-service staff of state agencies and that features a
11 mechanism by which agencies may exchange information and
12 alerts concerning, among other relevant activities, patterns
13 or trends of consumer complaints, fraudulent activity
14 involving multiple agencies, and agency action pertaining to
15 investigations and enforcement.

16 (2) The State Technology Office shall convene consumer
17 representatives from state agencies and solicit their input
18 for the design and ongoing maintenance of this feature in
19 order to help ensure that the feature is useful to consumers.

20 Section 2. (1) The State Technology Office shall
21 integrate into the official Internet website of the state a
22 profile of the information and referral system known as the
23 Florida 211 Network, a listing of areas within the state where
24 the network is available, and respective telephone numbers to
25 access the Florida 211 Network.

26 (2) The State Technology Office shall consult with the
27 Agency for Health Care Administration to solicit the agency's
28 input for the design of this feature.

29 Section 3. Section 570.544, Florida Statutes, is
30 amended to read:

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1 570.544 Division of Consumer Services; director;
2 powers; processing of complaints; records.--

3 (1) The director of the Division of Consumer Services
4 shall be appointed by and serve at the pleasure of the
5 commissioner.

6 (2) The Division of Consumer Services may:

7 (a) Conduct studies and make analyses of matters
8 affecting the interests of consumers.

9 (b) Study the operation of laws for consumer
10 protection.

11 (c) Advise and make recommendations to the various
12 state agencies concerned with matters affecting consumers.

13 (d) Assist, advise, and cooperate with local, state,
14 or federal agencies and officials in order to promote the
15 interests of consumers.

16 (e) Make use of the testing and laboratory facilities
17 of the department for the detection of consumer fraud.

18 (f) Report to the appropriate law enforcement officers
19 any information concerning violation of consumer protection
20 laws.

21 (g) Assist, develop, and conduct programs of consumer
22 education and consumer information through publications and
23 other informational and educational material prepared for
24 dissemination to the public, in order to increase the
25 competence of consumers.

26 (h) Organize and hold conferences on problems
27 affecting consumers.

28 (i) Recommend programs to encourage business and
29 industry to maintain high standards of honesty, fair business
30 practices, and public responsibility in the production,
31 promotion, and sale of consumer goods and services.

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

14 (4) If any complaint received by the Division of
15 Consumer Services concerns matters which involve concurrent
16 jurisdiction in more than one agency, duplicate copies of the
17 complaint shall be referred to those offices deemed to have
18 concurrent jurisdiction.

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

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

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1 (6)(a) The office or agency to which a complaint has
2 been referred shall within 30 days acknowledge receipt of the
3 complaint and report on the disposition made of the complaint.
4 In the event a complaint has not been disposed of within 30
5 days, the receiving office or agency shall file progress
6 reports with the Division of Consumer Services no less
7 frequently than 30 days until final disposition.

8 (b) The report shall contain at least the following
9 information:

10 1. A finding of whether the receiving agency has
11 jurisdiction of the subject matter involved in the complaint.

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

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

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

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

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

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

9 (9) It shall be the duty of the Division of Consumer
10 Services to maintain records and compile summaries and
11 analyses of consumer complaints and their eventual
12 disposition, which data may serve as a basis for
13 recommendations to the Legislature and to state regulatory
14 agencies.

15 (10) In order to enhance its role as the state
16 clearinghouse for consumer protection, consumer information,
17 and consumer services, the division shall coordinate with
18 consumer service representatives from other state agencies to:

19 (a) Exchange general information among the consumer
20 service units of state agencies;

21 (b) Identify best practices employed by the consumer
22 service units;

23 (c) Coordinate activities among the consumer service
24 units;

25 (d) Explore the feasibility of sharing data related to
26 consumer protection trends and complaints, the exchange of
27 information concerning agency services, and the coordination
28 of consumer referrals;

29 (e) Maintain accurate data pertaining to the
30 regulatory jurisdiction of each respective state agency;

31 (f) Identify trends in consumer fraud; and

1 (g) Advise the State Technology Office on the
2 development and implementation of a comprehensive
3 consumer-related feature into the official Internet website of
4 the state.

5 (11) The division shall coordinate with the Agency for
6 Health Care Administration for the mutual exchange of
7 information relating to information and referral concerning
8 health and human services.

9 Section 4. The sum of \$250,000 is appropriated from
10 the General Revenue Fund to the Department of Agriculture and
11 Consumer Services for the purpose of marketing the
12 department's complaint clearinghouse during the 2005-2006
13 fiscal year.

14 Section 5. This act shall take effect July 1, 2005.

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17 SENATE SUMMARY

18 Directs the State Technology Office to integrate
19 additional features, including information concerning the
20 Florida 211 Network, into the state's official Internet
21 website. Requires that the office solicit input from
22 other state agencies. Designates the Division of Consumer
23 Services within the Department of Agriculture and
24 Consumer Services as the state clearinghouse for matters
25 relating to consumer protection, consumer information,
26 and consumer services. Requires that the division
27 coordinate with the Agency for Health Care Administration
28 for exchanging information relating to health and human
29 services.
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