

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

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

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

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

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

14 (1) Profiles the information and referral system known
15 as the Florida 211 Network; and

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

19 Section 3. Subsections (3), (6), and (7) of section
20 570.544, Florida Statutes, are amended to read:

21 570.544 Division of Consumer Services; director;
22 powers; processing of complaints; records.--

23 (3) In addition to the powers, duties, and
24 responsibilities authorized by this or any other chapter, the
25 Division of Consumer Services shall serve as the state ~~a~~
26 clearinghouse for matters relating to consumer protection,
27 consumer information, and consumer services generally. It
28 shall receive complaints and grievances from consumers and
29 promptly transmit them to that agency most directly concerned
30 in order that the complaint or grievance may be expeditiously
31 handled in the best interests of the complaining consumer. If

1 | no agency exists, the Division of Consumer Services shall seek
2 | a settlement of the complaint using formal or informal methods
3 | of mediation and conciliation and may seek any other
4 | resolution of the matter in accordance with its jurisdiction.

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

12 | ~~(b) The report shall contain at least the following~~
13 | ~~information:~~

14 | ~~1. A finding of whether the receiving agency has~~
15 | ~~jurisdiction of the subject matter involved in the complaint.~~

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

18 | ~~3. What action has been taken and a report on whether~~
19 | ~~the original complainant was satisfied with the final~~
20 | ~~disposition.~~

21 | ~~4. Any recommendation regarding needed changes in law~~
22 | ~~or procedure which in the opinion of the reporting agency or~~
23 | ~~office will improve consumer protection in the area involved.~~

24 | ~~(7)(a) If the office or agency receiving a complaint~~
25 | ~~fails to file a report as contemplated in this section, that~~
26 | ~~failure shall be construed as a denial by the receiving office~~
27 | ~~or agency that it has jurisdiction of the subject matter~~
28 | ~~contained in the complaint.~~

29 | ~~(b) If an office or agency receiving a complaint~~
30 | ~~determines that the matter presents a prima facie case for~~
31 | ~~criminal prosecution or if the complaint cannot be settled at~~

1 | the administrative level, the complaint together with all
2 | supporting evidence shall be transmitted to the Department of
3 | Legal Affairs or other appropriate enforcement agency with a
4 | recommendation for civil or criminal action warranted by the
5 | evidence.

6 | Section 4. Subsection (4) of section 496.405, Florida
7 | Statutes, is amended to read:

8 | 496.405 Registration statements by charitable
9 | organizations and sponsors.--

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

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

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

1 or to any professional fundraising consultant, professional
2 solicitor, or commercial co-venturer;

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

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

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

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

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

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

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

26 (c) All registration fees must be paid to the
27 department and deposited into the General Inspection Trust
28 Fund.

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

31

1 501.015 Health studios; registration requirements and
2 fees.--Each health studio shall:

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

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

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

10 559.928 Registration.--

11 (3) Each independent agent shall annually file an
12 affidavit with the department and pay a fee of \$150 to be
13 deposited in the General Inspection Trust Fund before ~~prior to~~
14 engaging in business in this state. This affidavit must
15 include the independent agent's full name, legal business or
16 trade name, mailing address, business address, telephone
17 number, social security number, and the name or names and
18 addresses of each seller of travel represented by the
19 independent agent. A letter evidencing proof of filing must
20 be issued by the department and must be prominently displayed
21 in the independent agent's primary place of business. As used
22 in this subsection, the term "independent agent" means a
23 person who represents a seller of travel by soliciting persons
24 on its behalf; who has a written contract with a seller of
25 travel which is operating in compliance with this part and any
26 rules adopted thereunder; who does not receive a fee,
27 commission, or other valuable consideration directly from the
28 purchaser for the seller of travel; who does not at any time
29 have any unissued ticket stock or travel documents in his or
30 her possession; and who does not have the ability to issue
31 tickets, vacation certificates, or any other travel document.

1 The term "independent agent" does not include an affiliate of
2 the seller of travel, as that term is used in s. 559.935(3),
3 or the employees of the seller of travel or of such
4 affiliates.

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

7 849.094 Game promotion in connection with sale of
8 consumer products or services.--

9 (3) The operator of a game promotion in which the
10 total announced value of the prizes offered is greater than
11 \$5,000 shall file with the Department of Agriculture and
12 Consumer Services a copy of the rules and regulations of the
13 game promotion and a list of all prizes and prize categories
14 offered at least 7 days before the commencement of the game
15 promotion. Such rules and regulations may not thereafter be
16 changed, modified, or altered. The operator of a game
17 promotion shall conspicuously post the rules and regulations
18 of such game promotion in each and every retail outlet or
19 place where such game promotion may be played or participated
20 in by the public and shall also publish the rules and
21 regulations in all advertising copy used in connection
22 therewith. Radio and television announcements may indicate
23 that the rules and regulations are available at retail outlets
24 or from the operator of the promotion. A nonrefundable filing
25 fee of ~~\$200~~~~\$100~~ shall accompany each filing and shall be used
26 to pay the costs incurred in administering and enforcing the
27 provisions of this section.

28 Section 9. Effective July 1, 2005, the sum of \$1.25
29 million and 23 full-time equivalent positions are appropriated
30 from the General Revenue Fund and \$1.25 million is
31 appropriated from the General Inspection Trust Fund to the

1 Department of Agriculture and Consumer Services for the
2 purpose of providing additional resources for the department's
3 clearinghouse for information and consumer complaints.

4 Section 10. Effective July 1, 2005, the sum of
5 \$140,000 is appropriated from the General Revenue Fund to the
6 Department of Agriculture and Consumer Services for the
7 purpose of upgrading the department's computer system used to
8 process consumer complaints. In addition, the sum of \$120,000
9 and two full-time equivalent positions are appropriated from
10 the General Revenue Fund to the Department of Agriculture and
11 Consumer Services for the purpose of providing additional
12 resources for the department's complaint clearinghouse.

13 Section 11. Except as otherwise expressly provided in
14 this act, this act shall take effect October 1, 2005.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 1684

19 This committee substitute differs from the bill as filed in
20 that it:

- 21 1. Deletes the reporting requirement for complaints that had
22 been referred to agencies from the Department of
23 Agriculture and Consumer Services;
- 24 2. Increases fees for charitable organizations, health
25 studios, and operators of game promotions;
- 26 3. Deletes the exemption from registration fees for motor
27 vehicle repair shops in specified jurisdictions and
28 imposes a fee for independent agents of sellers of
29 travel; and
- 30 4. 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.