Florida Senate - 2005 (PROPOSED COMMITTEE BILL) SPB 7044

FOR CONSIDERATION $\ensuremath{\mathsf{By}}$ 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
б	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. <u>(1) The State Technology Office shall</u>
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;
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1 (b) Is featured prominently on the website as a 2 readily accessible location for Floridians to go when they wish to obtain information on making a business inquiry or 3 4 complaint; (c) Features useful tools to help consumers identify 5 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 mechanism by which agencies may exchange information and 11 12 alerts concerning, among other relevant activities, patterns or trends of consumer complaints, fraudulent activity 13 involving multiple agencies, and agency action pertaining to 14 investigations and enforcement. 15 (2) The State Technology Office shall convene consumer 16 17 representatives from state agencies and solicit their input 18 for the design and ongoing maintenance of this feature in order to help ensure that the feature is useful to consumers. 19 Section 2. (1) The State Technology Office shall 2.0 21 integrate into the official Internet website of the state a 2.2 profile of the information and referral system known as the 23 Florida 211 Network, a listing of areas within the state where the network is available, and respective telephone numbers to 2.4 access the Florida 211 Network. 25 (2) The State Technology Office shall consult with the 26 27 Agency for Health Care Administration to solicit the agency's 2.8 input for the design of this feature. Section 3. Section 570.544, Florida Statutes, is 29 30 amended to read: 31

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570.544 Division of Consumer Services; director; 1 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. б (2) The Division of Consumer Services may: 7 (a) Conduct studies and make analyses of matters 8 affecting the interests of consumers. (b) Study the operation of laws for consumer 9 10 protection. (c) Advise and make recommendations to the various 11 12 state agencies concerned with matters affecting consumers. 13 (d) Assist, advise, and cooperate with local, state, or federal agencies and officials in order to promote the 14 interests of consumers. 15 (e) Make use of the testing and laboratory facilities 16 17 of the department for the detection of consumer fraud. 18 (f) Report to the appropriate law enforcement officers any information concerning violation of consumer protection 19 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 dissemination to the public, in order to increase the 2.4 competence of consumers. 25 (h) Organize and hold conferences on problems 26 27 affecting consumers. 28 (i) Recommend programs to encourage business and 29 industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, 30 promotion, and sale of consumer goods and services. 31 3

1 (3) In addition to the powers, duties, and 2 responsibilities authorized by this or any other chapter, the Division of Consumer Services shall serve as the state a 3 clearinghouse for matters relating to consumer protection, 4 consumer information, and consumer services generally. It 5 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 handled in the best interests of the complaining consumer. If 9 no agency exists, the Division of Consumer Services shall seek 10 a settlement of the complaint using formal or informal methods 11 12 of mediation and conciliation and may seek any other 13 resolution of the matter in accordance with its jurisdiction. (4) If any complaint received by the Division of 14 Consumer Services concerns matters which involve concurrent 15 jurisdiction in more than one agency, duplicate copies of the 16 17 complaint shall be referred to those offices deemed to have 18 concurrent jurisdiction. (5)(a) Any agency, office, bureau, division, or board 19 of state government receiving a complaint which deals with 20 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 refer the complaint to the Division of Consumer Services. 2.4 (b) Upon receipt of such a complaint, the Division of 25 Consumer Services shall make a determination of the proper 26 27 jurisdiction to which the complaint relates and shall 2.8 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. 31

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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 complaint and report on the disposition made of the complaint. 3 In the event a complaint has not been disposed of within 30 4 days, the receiving office or agency shall file progress 5 б 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 information: 9 10 1. A finding of whether the receiving agency has jurisdiction of the subject matter involved in the complaint. 11 12 2. Whether the complaint is deemed to be frivolous, 13 sham, or without basis in fact or law. 3. What action has been taken and a report on whether 14 the original complainant was satisfied with the final 15 16 disposition. 17 4. Any recommendation regarding needed changes in law 18 or procedure which in the opinion of the reporting agency or office will improve consumer protection in the area involved. 19 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 contained in the complaint. 2.4 (b) If an office or agency receiving a complaint 25 determines that the matter presents a prima facie case for 26 27 criminal prosecution or if the complaint cannot be settled at 2.8 the administrative level, the complaint together with all supporting evidence shall be transmitted to the Department of 29 30 Legal Affairs or other appropriate enforcement agency with a 31

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1 recommendation for civil or criminal action warranted by the 2 evidence. (8) The records of the Division of Consumer Services 3 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 analyses of consumer complaints and their eventual 11 12 disposition, which data may serve as a basis for 13 recommendations to the Legislature and to state regulatory 14 agencies. (10) In order to enhance its role as the state 15 clearinghouse for consumer protection, consumer information, 16 and consumer services, the division shall coordinate with 17 18 consumer service representatives from other state agencies to: (a) Exchange general information among the consumer 19 service units of state agencies; 2.0 21 (b) Identify best practices employed by the consumer 2.2 service units; 23 (c) Coordinate activities among the consumer service 2.4 units; 25 (d) Explore the feasibility of sharing data related to consumer protection trends and complaints, the exchange of 26 27 information concerning agency services, and the coordination 2.8 of consumer referrals; 29 (e) Maintain accurate data pertaining to the regulatory jurisdiction of each respective state agency; 30 (f) Identify trends in consumer fraud; and 31

1 (q) 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 Consumer Services for the purpose of marketing the 11 12 department's complaint clearinghouse during the 2005-2006 13 fiscal year. Section 5. This act shall take effect July 1, 2005. 14 15 16 17 SENATE SUMMARY 18 Directs the State Technology Office to integrate additional features, including information concerning the Florida 211 Network, into the state's official Internet 19 website. Requires that the office solicit input from other state agencies. Designates the Division of Consumer Services within the Department of Agriculture and 20 21 Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services. Requires that the division 22 coordinate with the Agency for Health Care Administration 23 for exchanging information relating to health and human services. 2.4 25 26 27 28 29 30 31