

CHAMBER ACTION

1 The Agriculture & Environment Appropriations Committee
2 recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6
7 A bill to be entitled
8 An act relating to consumer protection; amending s.
9 493.6303, F.S.; revising training requirements for
10 obtaining a Class "D" license; requiring a minimum number
11 of hours of training in terrorism awareness or other
12 training prescribed by the Department of Agriculture and
13 Consumer Services; providing a timeframe for submitting
14 proof of having completed the training; revising the
15 number of training hours required; amending s. 501.059,
16 F.S.; prohibiting the transmission of facsimile documents
17 under certain circumstances; providing for attorney's fees
18 and for the recovery of certain litigation expenses by the
19 department and the Department of Legal Affairs; repealing
20 ss. 546.001, 546.002, 546.003, 546.004, 546.006, and
21 546.008, F.S., relating to the "Amusement Ride and
22 Attraction Insurance Act"; amending s. 559.801, F.S.;
23 redefining the term "business opportunity" for purposes of

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24 | the "Sale of Business Opportunities Act"; amending s.
25 | 559.920, F.S.; revising actions by motor vehicle repair
26 | shops or employees which are unlawful; amending s.
27 | 559.927, F.S.; providing a definition of "travel club";
28 | amending s. 559.928, F.S.; revising information to be
29 | submitted for registration as a seller of travel and
30 | information submitted by independent agents; requiring the
31 | payment of an annual fee by independent agents; amending
32 | s. 616.242, F.S.; deleting provisions authorizing the
33 | owner of an amusement ride to maintain liability
34 | protection in the form of a surety bond; exempting certain
35 | governmental entities from a requirement to maintain
36 | liability protection covering amusement rides; amending s.
37 | 849.094, F.S.; redefining the term "operator" for purposes
38 | of the regulation of game promotions in connection with
39 | the sale of consumer products or services; providing that
40 | the operator of certain game promotions need only include
41 | the material terms of the rules and regulations of the
42 | game in advertising copy used in connection therewith
43 | under specified conditions; reenacting s. 501.603(1)(a),
44 | F.S., which defines "commercial telephone solicitation";
45 | reenacting s. 559.809(12), F.S., which specifies
46 | prohibited acts under the "Sale of Business Opportunities
47 | Act"; directing the State Technology Office to integrate
48 | additional features into the state's official Internet
49 | website; directing the State Technology Office to
50 | integrate information concerning the Florida 211 Network
51 | into the state's official Internet website; amending s.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 | 570.544, F.S.; designating the Division of Consumer
 53 | Services within the Department of Agriculture and Consumer
 54 | Services as the state clearinghouse for matters relating
 55 | to consumer protection, consumer information, and consumer
 56 | services; deleting certain reporting requirements;
 57 | amending s. 526.3135, F.S.; correcting a cross reference,
 58 | to conform; providing an effective date.
 59 |

60 | Be It Enacted by the Legislature of the State of Florida:
 61 |

62 | Section 1. Section 493.6303, Florida Statutes, is amended
 63 | to read:

64 | 493.6303 License requirements.--In addition to the license
 65 | requirements set forth elsewhere in this chapter, each
 66 | individual or agency shall comply with the following additional
 67 | requirements:

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

71 | (2) An applicant for a Class "MB" license shall have 2
 72 | years of lawfully gained, verifiable, full-time experience, or
 73 | training in:

74 | (a) Security work or related fields of work that provided
 75 | equivalent experience or training;

76 | (b) Experience described in paragraph (a) for 1 year and
 77 | experience described in paragraph (c) for 1 year;

78 | (c) No more than 1 year using:

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79 | 1. Either college coursework related to criminal justice,
80 | criminology, or law enforcement administration; or

81 | 2. Successfully completed law enforcement-related training
82 | received from any federal, state, county, or municipal agency;
83 | or

84 | (d) Experience described in paragraph (a) for 1 year and
85 | work in a managerial or supervisory capacity for 1 year.

86 | (3) An applicant for a Class "M" license shall qualify for
87 | licensure as a Class "MA" manager as outlined under s.
88 | 493.6203(2) and as a Class "MB" manager as outlined under
89 | subsection (2).

90 | (4)(a) Effective January 1, 2006 ~~October 1, 1994~~, an
91 | applicant for a Class "D" license must complete ~~have completed~~ a
92 | minimum of 44 ~~40~~ hours of professional training administered by
93 | ~~at~~ a school or training facility licensed by the department. The
94 | department shall by rule establish the general content and
95 | number of hours of all the training. Such training must include
96 | at least 8 hours of instruction in terrorism awareness or other
97 | special training prescribed by the department.

98 | (b) An applicant may fulfill the training requirement
99 | prescribed in paragraph (a) by submitting proof of:

100 | 1. Successful completion of the total number of required
101 | ~~40~~ hours of training before initial application for a Class "D"
102 | license; or

103 | 2. Successful completion of 24 hours of training before
104 | initial application ~~for~~, and the remaining 16 hours of training
105 | within 180 days after the date upon the first application is
106 | submitted for renewal of, a Class "D" license. If documentation

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107 | of completion of the required training is not submitted within
 108 | the specified timeframe, the individual's license is
 109 | automatically suspended until such time as proof of the required
 110 | training is provided to the department. ~~However,~~ Individuals
 111 | licensed before October 1, 1994, or individuals who have
 112 | successfully completed 40 hours of professional training before
 113 | January 1, 2006, at a school or training facility licensed by
 114 | the department are exempt from the training requirements of
 115 | paragraph (a) need not complete additional training hours in
 116 | order to renew their licenses.

117 |
 118 | However, any person whose license has been revoked or whose
 119 | license has been expired for 1 year or longer is considered,
 120 | upon reapplication for a license, an initial applicant and must
 121 | submit proof of successful completion of the total number of
 122 | required 40 hours of professional training at a school or
 123 | training facility licensed by the department.

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

126 | Section 2. Subsections (7), (8), and (9) of section
 127 | 501.059, Florida Statutes, are amended to read:

128 | 501.059 Telephone solicitation.--

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

134 (b) Nothing herein prohibits the use of an automated
 135 telephone dialing system with live messages if the calls are
 136 made or messages given solely in response to calls initiated by
 137 the persons to whom the automatic calls or live messages are
 138 directed or if the telephone numbers selected for automatic
 139 dialing have been screened to exclude any telephone subscriber
 140 who is included on the department's then-current "no sales
 141 solicitation calls" listing or any unlisted telephone number, or
 142 if the calls made concern goods or services that have been
 143 previously ordered or purchased.

144 (c) A person may not transmit or knowingly allow the
 145 transmission of a facsimile of documents through connection with
 146 a telephone network if the facsimile transmission involves
 147 unsolicited advertising material for the sale of any real
 148 property, goods, or services.

149 (8) The department shall investigate any complaints
 150 received concerning violations of this section. If, after
 151 investigating any complaint, the department finds that there has
 152 been a violation of this section, the department or the
 153 Department of Legal Affairs may bring an action to impose a
 154 civil penalty and to seek other relief, including injunctive
 155 relief, as the court deems appropriate against the telephone
 156 solicitor. The civil penalty shall not exceed \$10,000 per
 157 violation and shall be deposited in the General Inspection Trust
 158 Fund if the action or proceeding was brought by the department,
 159 or the Legal Affairs Revolving Trust Fund if the action or
 160 proceeding was brought by the Department of Legal Affairs. This
 161 civil penalty may be recovered in any action brought under this

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162 part by the department, or the department may terminate any
 163 investigation or action upon agreement by the person to pay an
 164 agreed-upon ~~a stipulated~~ civil penalty. The department or the
 165 court may waive any civil penalty if the person has previously
 166 made full restitution or reimbursement or has paid actual
 167 damages to the consumers who have been injured by the violation.

168 (9)(a) In any civil litigation resulting from a
 169 transaction involving a violation of this section, the
 170 prevailing party, after judgment in the trial court and
 171 exhaustion of all appeals, if any, shall receive his or her
 172 reasonable attorney's fees and costs from the nonprevailing
 173 party.

174 (b) The attorney for the prevailing party shall submit a
 175 sworn affidavit of his or her time spent on the case and his or
 176 her costs incurred for all the motions, hearings, and appeals to
 177 the trial judge who presided over the civil case.

178 (c) The trial judge shall award the prevailing party the
 179 sum of reasonable costs incurred in the action plus a reasonable
 180 legal fee for the hours actually spent on the case as sworn to
 181 in an affidavit.

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

184 (e) In any civil litigation initiated by the department or
 185 the Department of Legal Affairs, the court shall ~~may~~ award to
 186 the prevailing party reasonable attorney's fees and costs ~~if the~~
 187 ~~court finds that there was a complete absence of a justiciable~~
 188 ~~issue of either law or fact raised by the losing party or if the~~
 189 ~~court finds bad faith on the part of the losing party.~~ Travel

190 and per diem expenses incurred by the department or the
 191 Department of Legal Affairs for its attorneys and witnesses
 192 shall be recoverable costs by the department or the Department
 193 of Legal Affairs if either party prevails in civil litigation.

194 Section 3. Sections 546.001, 546.002, 546.003, 546.004,
 195 546.006, and 546.008, Florida Statutes, are repealed.

196 Section 4. Paragraph (a) of subsection (1) of section
 197 559.801, Florida Statutes, is amended to read:

198 559.801 Definitions.--For the purpose of ss. 559.80-
 199 559.815, the term:

200 (1)(a) "Business opportunity" means the sale or lease of
 201 any products, equipment, supplies, or services which are sold or
 202 leased to a purchaser to enable the purchaser to start a
 203 business for which the purchaser is required to pay an initial
 204 fee or sum of money which exceeds \$500 to the seller, and in
 205 which the seller represents:

206 1. That the seller or person or entity affiliated with or
 207 referred by the seller will provide locations, either
 208 contemporaneously at the time of the sale or lease or at a
 209 future time, or assist the purchaser in finding locations for
 210 the use or operation of vending machines, racks, display cases,
 211 currency or card operated equipment, or other similar devices or
 212 currency-operated amusement machines or devices on premises
 213 neither owned nor leased by the purchaser or seller;

214 2. That the seller will purchase, either contemporaneously
 215 at the time of the sale or lease or at a future time, any or all
 216 products made, produced, fabricated, grown, bred, or modified by

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217 | the purchaser using in whole or in part the supplies, services,
218 | or chattels sold to the purchaser;

219 | 3. That the seller guarantees that the purchaser will
220 | derive income from the business opportunity which exceeds the
221 | price paid or rent charged for the business opportunity or that
222 | the seller will refund all or part of the price paid or rent
223 | charged for the business opportunity, or will repurchase any of
224 | the products, equipment, supplies, or chattels supplied by the
225 | seller, if the purchaser is unsatisfied with the business
226 | opportunity; or

227 | 4. That the seller will provide, either contemporaneously
228 | at the time of the sale or lease or at a future time, a sales
229 | program or marketing program that will enable the purchaser to
230 | derive income from the business opportunity, except that this
231 | paragraph does not apply to the sale of a sales program or
232 | marketing program made in conjunction with the licensing of a
233 | trademark or service mark that is registered under the laws of
234 | any state or of the United States if the seller requires use of
235 | the trademark or service mark in the sales agreement.

236 |
237 | For the purpose of subparagraph 1., the term "assist the
238 | purchaser in finding locations" means, but is not limited to,
239 | supplying the purchaser with names of locator companies,
240 | contracting with the purchaser to provide assistance or supply
241 | names, or collecting a fee on behalf of or for a locator
242 | company.

243 | Section 5. Section 559.920, Florida Statutes, is amended
244 | to read:

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245 559.920 Unlawful acts and practices.--It shall be a
246 violation of this act for any motor vehicle repair shop or
247 employee thereof to:

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

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

253 (3) Misrepresent that repairs have been made to a motor
254 vehicle;

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

257 (5) Misrepresent that the vehicle being inspected or
258 diagnosed is in a dangerous condition or that the customer's
259 continued use of the vehicle may be harmful or cause great
260 damage to the vehicle;

261 (6) Fraudulently alter any customer contract, estimate,
262 invoice, or other document;

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

264 (8) Make or authorize in any manner or by any means
265 whatever any written or oral statement which is untrue,
266 deceptive or misleading, and which is known, or which by the
267 exercise of reasonable care should be known, to be untrue,
268 deceptive or misleading;

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

272 (10) Substitute used, rebuilt, salvaged, or straightened
 273 parts for new replacement parts without notice to the motor
 274 vehicle owner and to her or his insurer if the cost of repair is
 275 to be paid pursuant to an insurance policy and the identity of
 276 the insurer or its claims adjuster is disclosed to the motor
 277 vehicle repair shop;

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

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

284 (13) Willfully depart from or disregard accepted practices
 285 and professional standards;

286 (14) Have repair work subcontracted without the knowledge
 287 or consent of the customer unless the motor vehicle repair shop
 288 or employee thereof demonstrates that the customer could not
 289 reasonably have been notified;

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

292 (16) Rebuild or restore a rebuilt vehicle without the
 293 knowledge of the owner in such a manner that it does not conform
 294 to the original vehicle manufacturer's established repair
 295 procedures or specifications and allowable tolerances for the
 296 particular model and year; or

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

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299 Section 6. Subsection (12) is added to section 559.927,
300 Florida Statutes, to read:

301 559.927 Definitions.--For the purposes of this part, the
302 term:

303 (12) "Travel club" means a membership in an organization
304 in which a member has the right to receive or purchase
305 prearranged travel, tourist-related services, or tour-guide
306 services, as such travel or services are from time-to-time
307 offered, for an advance fee or payment, which may be available
308 on a first-come, first-served, space-available reservation basis
309 and in which a member is not granted a legal or equitable
310 interest in any real property or specific right of use of any
311 specific property. A travel club properly registered under this
312 part shall not be deemed to be nor constitute a timeshare
313 interest or timeshare plan.

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

316 559.928 Registration.--

317 (1) Each seller of travel shall annually register with the
318 department, providing: its legal business or trade name, mailing
319 address, and business locations; the full names, addresses, and
320 ~~telephone numbers, and social security numbers~~ of its owners or
321 corporate officers and directors and the Florida agent of the
322 corporation; a statement whether it is a domestic or foreign
323 corporation, its state and date of incorporation, its charter
324 number, and, if a foreign corporation, the date it registered
325 with the State of Florida, and occupational license where
326 applicable; the date on which a seller of travel registered its

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327 fictitious name if the seller of travel is operating under a
 328 fictitious or trade name; the name of all other corporations,
 329 business entities, and trade names through which each owner of
 330 the seller of travel operated, was known, or did business as a
 331 seller of travel within the preceding 5 years; a list of all
 332 authorized independent agents, including the agent's trade name,
 333 full name, mailing address, business address, telephone numbers,
 334 and social security number; the business location and address of
 335 each branch office and full name and address of the manager or
 336 supervisor; and proof of purchase of adequate bond or
 337 establishment of a letter of credit or certificate of deposit as
 338 required in this part. A certificate evidencing proof of
 339 registration shall be issued by the department and must be
 340 prominently displayed in the seller of travel's primary place of
 341 business.

342 (3) Each independent agent shall annually file an
 343 affidavit with the department and pay a fee of \$100 for deposit
 344 in the General Inspection Trust Fund of the department prior to
 345 engaging in business in this state. This affidavit must include
 346 the independent agent's full name, legal business or trade name,
 347 mailing address, business address, and telephone number, ~~social~~
 348 ~~security number~~, and the name or names and addresses of each
 349 seller of travel represented by the independent agent and must
 350 be accompanied by a copy of the independent agent's current
 351 contract with each seller of travel. A letter evidencing proof
 352 of filing must be issued by the department and must be
 353 prominently displayed in the independent agent's primary place
 354 of business. As used in this subsection, the term "independent

355 agent" means a person who represents a seller of travel by
 356 soliciting persons on its behalf; who has a written contract
 357 with a seller of travel which is operating in compliance with
 358 this part and any rules adopted thereunder; who does not receive
 359 a fee, commission, or other valuable consideration directly from
 360 the purchaser for the seller of travel; who does not at any time
 361 have any unissued ticket stock or travel documents in his or her
 362 possession; and who does not have the ability to issue tickets,
 363 vacation certificates, or any other travel document. The term
 364 "independent agent" does not include an affiliate of the seller
 365 of travel, as that term is used in s. 559.935(3), or the
 366 employees of the seller of travel or of such affiliates.

367 Section 8. Paragraph (b) of subsection (5) and subsection
 368 (9) of section 616.242, Florida Statutes, are amended to read:

369 616.242 Safety standards for amusement rides.--

370 (5) ANNUAL PERMIT.--

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

374 1. The legal name, address, and primary place of business
 375 of the owner.

376 2. A description, manufacturer's name, serial number,
 377 model number and, if previously assigned, the United States
 378 Amusement Identification Number of the amusement ride.

379 3. A valid certificate of insurance ~~or bond~~ for each
 380 amusement ride.

381 4. An affidavit of compliance that the amusement ride was
 382 inspected in person by the affiant and that the amusement ride

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383 is in general conformance with the requirements of this section
384 and all applicable rules adopted by the department. The
385 affidavit must be executed by a professional engineer or a
386 qualified inspector no earlier than 60 days before, but not
387 later than, the date of the filing of the application with the
388 department. The owner shall request inspection and permitting of
389 the amusement ride within 60 days of the date of filing the
390 application with the department. The department shall inspect
391 and permit the amusement ride within 60 days after filing the
392 application with the department.

393 5. If required by subsection (6), an affidavit of
394 nondestructive testing dated and executed no earlier than 60
395 days prior to, but not later than, the date of the filing of the
396 application with the department. The owner shall request
397 inspection and permitting of the amusement ride within 60 days
398 of the date of filing the application with the department. The
399 department shall inspect and permit the amusement ride within 60
400 days after filing the application with the department.

401 6. A request for inspection.

402 7. Upon request, the owner shall, at no cost to the
403 department, provide the department a copy of the manufacturer's
404 current recommended operating instructions in the possession of
405 the owner, the owner's operating fact sheet, and any written
406 bulletins in the possession of the owner concerning the safety,
407 operation, or maintenance of the amusement ride.

408 (9) INSURANCE REQUIREMENTS.--

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

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

417 ~~2. A bond in a like amount; however, the aggregate~~
418 ~~liability of the surety under the bond may not exceed the face~~
419 ~~amount thereof.~~

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

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

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

428 849.094 Game promotion in connection with sale of consumer
429 products or services.--

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

431 (a) "Game promotion" means, but is not limited to, a
432 contest, game of chance, or gift enterprise, conducted within or
433 throughout the state and other states in connection with the
434 sale of consumer products or services, and in which the elements
435 of chance and prize are present. However, "game promotion" shall

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436 not be construed to apply to bingo games conducted pursuant to
437 s. 849.0931.

438 (b) "Operator" means any person, firm, corporation, or
439 association on whose behalf a game promotion is conducted ~~or~~
440 ~~agent or employee thereof who promotes, operates, or conducts a~~
441 ~~game promotion~~, except any charitable nonprofit organization.

442 (3) The operator of a game promotion in which the total
443 announced value of the prizes offered is greater than \$5,000
444 shall file with the Department of Agriculture and Consumer
445 Services a copy of the rules and regulations of the game
446 promotion and a list of all prizes and prize categories offered
447 at least 7 days before the commencement of the game promotion.
448 Such rules and regulations may not thereafter be changed,
449 modified, or altered. The operator of a game promotion shall
450 conspicuously post the rules and regulations of such game
451 promotion in each and every retail outlet or place where such
452 game promotion may be played or participated in by the public
453 and shall also publish the rules and regulations in all
454 advertising copy used in connection therewith. However, such
455 advertising copy need only include the material terms of the
456 rules and regulations if the advertising copy includes a website
457 address, a toll-free telephone number, or a mailing address
458 where the full rules and regulations may be viewed, heard, or
459 obtained for the full duration of the game promotion. Such
460 disclosures must be legible. Radio and television announcements
461 may indicate that the rules and regulations are available at
462 retail outlets or from the operator of the promotion. A
463 nonrefundable filing fee of \$100 shall accompany each filing and

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464 shall be used to pay the costs incurred in administering and
465 enforcing the provisions of this section.

466 Section 10. For the purpose of incorporating the amendment
467 to section 501.059, Florida Statutes, in a reference thereto,
468 paragraph (a) of subsection (1) of section 501.603, Florida
469 Statutes, is reenacted to read:

470 501.603 Definitions.--As used in this part, unless the
471 context otherwise requires, the term:

472 (1) "Commercial telephone solicitation" means:

473 (a) An unsolicited telephone call to a person initiated by
474 a commercial telephone seller or salesperson, or an automated
475 dialing machine used in accordance with the provisions of s.
476 501.059(7) for the purpose of inducing the person to purchase or
477 invest in consumer goods or services;

478
479 For purposes of this section, "other communication" means a
480 written or oral notification or advertisement transmitted
481 through any means. Also, for purposes of this section, "invites
482 a response by telephone" does not mean the mere listing or
483 including of a telephone number in a notification or
484 advertisement.

485 Section 11. For the purpose of incorporating the amendment
486 to section 559.801, Florida Statutes, in a reference thereto,
487 subsection (12) of section 559.809, Florida Statutes, is
488 reenacted to read:

489 559.809 Prohibited acts.--Business opportunity sellers
490 shall not:

491 (12) Misrepresent their ability or the ability of a person
 492 or entity providing services as defined in s. 559.801(1)(a) to
 493 provide locations or assist the purchaser in finding locations
 494 expected to have a positive impact on the success of the
 495 business opportunity.

496 Section 12. The State Technology Office shall provide a
 497 banner on the official Internet website of the state which is
 498 hyperlinked to a website of the Department of Agriculture and
 499 Consumer Services which:

500 (1) Aggregates a wide variety of consumer protection
 501 information and resources available from state agencies.

502 (2) Features useful tools to help consumers identify which
 503 agencies have jurisdiction over specific subjects.

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

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

509 (1) Profiles the information and referral system known as
 510 the Florida 211 Network.

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

514 Section 14. Subsections (3), (6), and (7) of section
 515 570.544, Florida Statutes, are amended to read:

516 570.544 Division of Consumer Services; director; powers;
 517 processing of complaints; records.--

518 (3) In addition to the powers, duties, and
 519 responsibilities authorized by this or any other chapter, the
 520 Division of Consumer Services shall serve as the state a
 521 clearinghouse for matters relating to consumer protection,
 522 consumer information, and consumer services generally. It shall
 523 receive complaints and grievances from consumers and promptly
 524 transmit them to that agency most directly concerned in order
 525 that the complaint or grievance may be expeditiously handled in
 526 the best interests of the complaining consumer. If no agency
 527 exists, the Division of Consumer Services shall seek a
 528 settlement of the complaint using formal or informal methods of
 529 mediation and conciliation and may seek any other resolution of
 530 the matter in accordance with its jurisdiction.

531 ~~(6)(a) The office or agency to which a complaint has been~~
 532 ~~referred shall within 30 days acknowledge receipt of the~~
 533 ~~complaint and report on the disposition made of the complaint.~~
 534 ~~In the event a complaint has not been disposed of within 30~~
 535 ~~days, the receiving office or agency shall file progress reports~~
 536 ~~with the Division of Consumer Services no less frequently than~~
 537 ~~30 days until final disposition.~~

538 ~~(b) The report shall contain at least the following~~
 539 ~~information:~~

- 540 ~~1. A finding of whether the receiving agency has~~
 541 ~~jurisdiction of the subject matter involved in the complaint.~~
- 542 ~~2. Whether the complaint is deemed to be frivolous, sham,~~
 543 ~~or without basis in fact or law.~~
- 544 ~~3. What action has been taken and a report on whether the~~
 545 ~~original complainant was satisfied with the final disposition.~~

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

549 ~~(7)(a) If the office or agency receiving a complaint fails~~
 550 ~~to file a report as contemplated in this section, that failure~~
 551 ~~shall be construed as a denial by the receiving office or agency~~
 552 ~~that it has jurisdiction of the subject matter contained in the~~
 553 ~~complaint.~~

554 ~~(b)~~ If an office or agency receiving a complaint
 555 determines that the matter presents a prima facie case for
 556 criminal prosecution or if the complaint cannot be settled at
 557 the administrative level, the complaint together with all
 558 supporting evidence shall be transmitted to the Department of
 559 Legal Affairs or other appropriate enforcement agency with a
 560 recommendation for civil or criminal action warranted by the
 561 evidence.

562 Section 15. Section 526.3135, Florida Statutes, is amended
 563 to read:

564 526.3135 Reports by the Division of Standards.--The
 565 Division of Standards is directed to compile a report pursuant
 566 to s. 570.544 of all complaints received by the Department of
 567 Agriculture and Consumer Services pursuant to this act. Such
 568 report shall ~~contain at least the information required by s.~~
 569 ~~570.544(6)(b)2. 4. and shall~~ be presented to the Speaker of the
 570 House of Representatives and the President of the Senate no
 571 later than January 1 of each year.

572 Section 16. This act shall take effect October 1, 2005.