

By Senator Aronberg

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1 A bill to be entitled
2 An act relating to consumer complaints; creating s.
3 570.5445, F.S.; creating the Consumer Complaint
4 Interagency Coordinating Council; providing findings
5 and legislative intent; providing definitions;
6 providing for membership of the council; providing for
7 meetings; requiring the Division of Consumer Services
8 of the Department of Agriculture and Consumer Services
9 to provide administrative and staff support services
10 to the council; providing for the purposes and
11 responsibilities of the council; requiring the council
12 to submit recommendations to the Legislature by a
13 specified date; providing for the Consumer Complaint
14 Interagency Coordinating Council to expire on a
15 specified date unless reenacted by the Legislature;
16 amending s. 681.109, F.S.; requiring the Department of
17 Legal Affairs rather than the Division of Consumer
18 Services of the Department of Agriculture and Consumer
19 Services to screen all requests for eligibility to
20 appear before the Florida New Motor Vehicles
21 Arbitration Board; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 570.5445, Florida Statutes, is created
26 to read:

27 570.5445 Consumer Complaint Interagency Coordinating
28 Council.—

29 (1) FINDINGS AND INTENT.—The Legislature finds that there

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30 is a need for increased interagency coordination to address and
31 resolve consumer complaints directed to state agencies, and in
32 particular, those agencies that receive more than 5,000 consumer
33 complaints during the fiscal year. It is therefore the intent of
34 the Legislature for the Consumer Complaint Interagency
35 Coordinating Council to act as an advisory body to the
36 Department of Agriculture and Consumer Services.

37 (2) DEFINITIONS.—As used in this section, the term:

38 (a) "Consumer complaint" means a consumer's formal request
39 to a state agency through the medium of a written letter, an e-
40 mail submission, the filing of a complaint form, or a telephone
41 call seeking assistance in resolving a disagreement between the
42 consumer and a business person or a professional. In reference
43 to telephone communications, the term explicitly contemplates
44 the consumer using a telephone number specifically intended by
45 the state agency to receive consumer calls.

46 (b) "Department" means the Department of Agriculture and
47 Consumer Services.

48 (c) "Division" means the Division of Consumer Services of
49 the Department of Agriculture and Consumer Services.

50 (3) MEMBERSHIP.—

51 (a) For the 2009-2010 and 2010-2011 fiscal years, one
52 employee from each of the following agencies shall serve as a
53 member of the Consumer Complaint Interagency Coordinating
54 Council:

- 55 1. The Department of Agriculture and Consumer Services;
- 56 2. The Department of Financial Services;
- 57 3. The Department of Business and Professional Regulation;
- 58 4. The Public Service Commission;

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59 5. The Department of Legal Affairs;

60 6. The Agency for Health Care Administration; and

61 7. The Department of Elderly Affairs.

62 (b) Beginning July 1, 2011, the membership of the Consumer
63 Complaint Interagency Coordinating Council shall increase to
64 include representatives of five additional state agencies and
65 five consumers as selected by the Governor.

66 (4) MEETINGS; PROCEDURES; RECORDS.—The Consumer Complaint
67 Interagency Coordinating Council shall hold public meetings in
68 July 2009, October 2009, and January 2010, and at least
69 semiannually thereafter.

70 (a) The director of the division shall serve as the chair
71 of the council.

72 (b) A voting majority of the members of the council plus
73 one is necessary for the council to take official action.

74 (c) The division shall provide administrative and staff
75 support services for the council. The division shall maintain a
76 complete record and minutes of the proceedings of each meeting,
77 including the names of members present and the actions taken.
78 Such records shall be kept on file with the division as the
79 public records of the Consumer Complaint Interagency
80 Coordinating Council.

81 (5) PURPOSES AND RESPONSIBILITIES.—The Consumer Complaint
82 Interagency Coordinating Council is an advisory body organized
83 to improve interagency coordination for addressing consumer
84 complaints submitted to state agencies.

85 (a) In carrying out this purpose, the council shall:

86 1. Serve as a forum to identify, discuss, and recommend
87 approaches to overcome obstacles to improving state government's

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88 responsiveness to consumer complaints, including improving
89 response time, the percentage of complaints resolved, and
90 consumer satisfaction with complaint-related services.

91 2. By January 15, 2010, develop recommendations for a
92 simple, uniform, and cost-effective method for all state
93 agencies to annually collect and report a summary of consumer
94 complaint information.

95 (b) The recommendations of the Consumer Complaint
96 Interagency Coordinating Council shall be presented to the
97 Legislature through the division by February 15, 2010. Summary
98 information shall include the number, subject, type, cost to
99 process, and disposition of consumer complaints; the extent to
100 which consumer complaints are transferred between agencies; and
101 consumer protection areas that are in need of improved services.

102 (c) If approved by the Legislature, each state agency shall
103 use the uniform format to annually report a summary of the
104 agency's activities in resolving consumer complaints.

105 (6) The Consumer Complaint Interagency Coordinating Council
106 expires June 30, 2014, unless reenacted by the Legislature
107 before that date.

108 Section 2. Subsection (5) of section 681.109, Florida
109 Statutes, is amended to read:

110 681.109 Florida New Motor Vehicle Arbitration Board;
111 dispute eligibility.—

112 (5) The Department of Legal Affairs ~~division~~ shall screen
113 all requests for arbitration before the board to determine
114 eligibility. The consumer's request for arbitration before the
115 board shall be made on a form prescribed by the Department of
116 Legal Affairs ~~department~~. The Department of Legal Affairs

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117 ~~division~~ shall forward to the board all disputes that the
118 Department of Legal Affairs ~~division~~ determines are potentially
119 entitled to relief under this chapter.

120 Section 3. This act shall take effect July 1, 2009.