

2001

Session Law 01-241

Florida Senate & House of Representatives

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STORAGE NAME: h0685s1a.ccc.doc
DATE: April 18, 2001

**HOUSE OF REPRESENTATIVES
COUNCIL FOR COMPETITIVE COMMERCE
ANALYSIS**

BILL #: CS/HB 685
RELATING TO: Consumer Protection
SPONSOR(S): Committee on Agriculture & Consumer Affairs; Representative(s) Romeo and others
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE & CONSUMER AFFAIRS (CCC) YEAS 8 NAYS 0
- (2) STATE ADMINISTRATION YEAS 5 NAYS 0
- (3) COUNCIL FOR COMPETITIVE COMMERCE YEAS 11 NAYS 0
- (4)
- (5)

I. SUMMARY:

CS/HB 685 codifies some specified recommendations of the legislatively created Information Service Technology Development Task Force regarding consumer protection for businesses and governmental entities from unfair or deceptive acts or practices over or through the Internet. The bill incorporates specific changes to various sections of Chapter 501, Part II, F.S., the Florida Deceptive and Unfair Trade Practices Act, recommended by the Task Force.

The bill substantially amends the following sections of the Florida Statutes: 501.203, 501.207, 501.2075, 501.211, and 501.212. The bill also repeals s. 501.2091, F.S.

The Committee on State Administration adopted a strike-all amendment that is traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Information Service Technology Development Task Force

The 1999 Legislature created the Information Service Technology Development Task Force ("Task Force") within the Department of Management Services (Chapter 99-354, Laws of Florida). The Task Force, whose two-year term expires on June 11, 2001, is comprised of 34 bipartisan members from the public and private sector. Since its creation, the task force has held several meetings throughout the state. The Task Force was directed to develop policies benefiting state residents by fostering free market development and beneficial use of advanced communication networks and information technologies within Florida.

To achieve its purposes, the Task Force divided its stated directives among eight subcommittees. Each subcommittee developed policy recommendations according to its stated directive. In its 1999 *Annual Report to the Legislature*, the Task Force included numerous policy recommendations and implementation strategies to carry out the recommendations. Subsequently, the Task Force issued its 2001 *Legislative Report/Proposed Recommendations/eLaws: Civil and Criminal*. Both reports contained the same recommendations to amend various sections of Chapter 501, Part II, F.S., the Florida Deceptive and Unfair Trade Practices Act (FDUTPA).

Much of the information included in this analysis is taken from these two reports. As the recommendations relating to changes to the FDUTPA do not differ between reports, no distinction is made between reports unless otherwise noted or unless text from a specific report is quoted.

Civil and Criminal Subcommittee Findings

The self-titled "Elaws: Civil and Criminal Subcommittee" (Subcommittee 7) was directed to evaluate state laws, rules, and procedures to determine if there is a need to create new laws or amend or repeal existing laws, rules, or procedures to reflect the impact of electronic commerce (e-commerce). The term "e-commerce" represents the buying or selling of products and services by businesses and consumers over the Internet. Three typical e-commerce transactions take place via the Internet: business-to-business, business to consumer, and consumer-to-consumer.

The subcommittee noted that most of Florida's laws were created prior to the rapid proliferation of the Internet and e-commerce and stressed the importance of ensuring that the many protections against fraud and other criminal activity apply in the e-commerce world. The subcommittee also



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TELEFACSIMILE TRANSMISSION COVER SHEET

Sent to: Kay Clement (433-6235)

Firm/Org: DMS / Legislative Affairs

FAX No.: 922-6149

From: Ed Tribble

Subject: Report of the Information Service Technology
Development Task Force

Date: 10/2/01 **FIA Job No.** 2001378

Pages: 3
(including cover sheet)

Note:

Enclosed are the first 2 pages of the House Council for Competitive Commerce Analysis for CS/HB 685. I marked the paragraph that cites the report I am trying to locate. Any help you could provide would be greatly appreciated. Please give me a call if you have any questions.

called 10/9/01 - 9:00 KA / said she turned this over to Louis Eberhart



**Florida
Information
Associates, Inc.**

P.O. Box 11144
Tallahassee, Florida 32302-3144
(850) 878-0188
(850) 656-2126 (telecopier)

October 11, 2001

Sent via FAX to: (850) 922-6312

Steve Gordon
Office of The General Counsel
Florida Dept. of Management Services
4050 Esplanade Way
Tallahassee, FL 32399-0950

Dear Mr. Gordon,

This is to follow up on our phone conversation this afternoon regarding a public records request for a copy of the report submitted to the FL Legislature by the Information Service Technology Development Task Force. I am enclosing the first two pages of the House Council for Competitive Commerce bill analysis for CS/HB 685 dated April 18, 2001, that specifically identifies the report I am seeking.

I submitted a request via FAX to Kay Clement of your Legislative Affairs Office on October 2, 2001 and made verbal follow ups on October 9 and 10. To date I have not received any response

Any assistance you can provide to complete this request will be greatly appreciated.

Please give me a call if you have any questions or require additional information.

Sincerely,

Edward J. Tribble

Enclosures: 2 pages

C:\MyFiles\FIA-jobs\2001378-prreq wpd

10/16

11:07

Tanya Jackson

Technology - Finance

1-4-0970

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121-1957



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OF
MANAGEMENT
SERVICES**

JEB BUSH
Governor

CYNTHIA A HENDERSON
Secretary



*Office of the Secretary
4050 Esplanade Way
Tallahassee, Florida
32399-0950*

*Telephone
850-488-2786*

*Fax:
850-922-6149*

*Internet
www.MyFlorida.com/dms
www.MyFlorida.com*

October 31, 2001

Edward J. Tribble
Florida Information Associates, Inc.
P.O. Box 11144
Tallahassee, FL 32302-3144

Re: Public Records Request

Dear Mr. Tribble:

On October 11, 2001, you sent a follow-up letter to Steve Godwin, Assistant General Counsel, regarding a public records request for a copy of the report submitted to the Florida Legislature by the Information Service Technology Development Task Force. This information was compiled and I left a message on your answering machine on October 22, 2001, with instructions for collection.

Please let us know if you are still interested in obtaining the requested information. The charge covers 295 pages @ \$.15 per page for a total of \$44.25. You may reach me at 921-4787.

Sincerely,

A handwritten signature in cursive script that reads "Carol Carr".

Carol Carr
Contract Administrator

:cc

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A Guide to the Journals and Bills

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Senate 0784: Relating to Consumer Protection

S784 GENERAL BILL/CS/CS/2ND ENG by Agriculture and Consumer Services; Commerce and Economic Opportunities; Geller; (CO-SPONSORS) Crist; Wasserman Schultz (Compare CS/H 0685, H 1442, H 1917, CS/1ST ENG/S 0208)

Consumer Protection; exempts providers of home medical equipment operated by Health Dept. from certain licensure requirement, requires certain health studio contract refunds to be issued within time certain; prohibits pawnbrokers from knowingly accepting stolen property; provides additional estimated cost of repair requirements for written repair estimates; incorporates interpretations re Federal Trade Commission Act, etc. Amends FS. EFFECTIVE DATE: 10/01/2001 except as otherwise provided.

02/14/01 SENATE Prefiled

02/20/01 SENATE Referred to Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations

03/06/01 SENATE Introduced, referred to Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations -SJ 00052

03/21/01 SENATE Withdrawn from Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; Appropriations -SJ 00194; Rereferred to Commerce and Economic Opportunities; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations -SJ 00194

03/22/01 SENATE On Committee agenda-- Commerce and Economic Opportunities, 03/27/01, 2:00 pm, 110-S

03/27/01 SENATE CS by Commerce and Economic Opportunities; YEAS 8 NAYS 0 -SJ 00271; CS read first time on 03/29/01 -SJ 00273

03/29/01 SENATE Now in Agriculture and Consumer Services -SJ 00271

04/04/01 SENATE On Committee agenda-- Agriculture and Consumer Services, 04/05/01, 10:00 am, 301-C

04/05/01 SENATE CS/CS by Agriculture and Consumer Services; YEAS 6 NAYS 0 -SJ 00327; CS read first time on 04/11/01 -SJ 00333

04/09/01 SENATE Now in Appropriations Subcommittee on General Government -SJ 00328

04/18/01 SENATE Withdrawn from Appropriations Subcommittee on General Government; Appropriations -SJ 00368; Placed on Calendar, on second reading

04/20/01 SENATE Placed on Special Order Calendar -SJ 00395

05/01/01 SENATE Placed on Special Order Calendar -SJ 00652; Read second time -SJ 00739; Amendment(s) adopted -SJ 00739; Ordered engrossed -SJ 00744

05/02/01 SENATE Read third time -SJ 00798; CS passed as amended; YEAS 39 NAYS 0 -SJ 00799

05/02/01 HOUSE In Messages

05/03/01 HOUSE Received, placed on Calendar, on second reading -HJ 01833; Read second time -HJ 01911; Amendment(s) adopted -HJ 01912; Read third time -HJ 01912; CS passed as amended; YEAS 112 NAYS 0 -HJ 01912

05/03/01 SENATE In returning messages

05/04/01 SENATE Concurred -SJ 01492; CS passed as amended; YEAS 38 NAYS 2 -SJ 01492; Ordered engrossed, then enrolled -SJ 01492

05/29/01 Signed by Officers and presented to Governor

06/13/01 Approved by Governor; Chapter No. 2001-214; See also CS/SB 209 (Ch. 2001-39)

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
S 0784	02/16/2001	Web Page PDF
S 0784C1	03/30/2001	Web Page PDF
S 0784C2	04/11/2001	Web Page PDF
S 0784E1	05/03/2001	Web Page PDF
S 0784E2	05/08/2001	Web Page PDF
S 0784ER	05/07/2001	Web Page PDF

Committee Amendments and Filed Floor Amendments: (Top)

S 0784:

Amendment ID	Date Posted	Available Formats
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S 0784C1:

Amendment ID	Date Posted	Available Formats
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S 0784C2:

Amendment ID	Date Posted	Available Formats
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094820	05/01/2001	Web Page PDF	Wissmann-Schultz
471720	04/30/2001	Web Page PDF	"
604168	04/20/2001	Web Page PDF	Geller
625712	05/01/2001	Web Page PDF	"
662020	04/19/2001	Web Page PDF	"
683086	04/30/2001	Web Page PDF	"
795632	04/30/2001	Web Page PDF	"
855212	04/19/2001	Web Page PDF	"
865476	05/01/2001	Web Page PDF	W-5
883680	04/23/2001	Web Page PDF	Geller
900224	04/30/2001	Web Page PDF	W-5
955084	04/19/2001	Web Page PDF	Geller
965720	05/01/2001	Web Page PDF	W-5

S 0784E1:

Amendment ID	Date Posted	Available Formats
375733	05/02/2001	Web Page PDF

Sprint

S 0784E2:

Amendment ID	Date Posted	Available Formats
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S 0784ER

Amendment ID	Date Posted	Available Formats
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Staff Analysis: (Top)

Analysis ID	Sponsor	Available Formats
s 0784	Commerce and Economic Opportunities	PDF
s 0784	Agriculture & Consumer Affairs	PDF
s 0784	HMS	PDF

CS 5/29
CS/CS 5/17
" 5/3 (4. Had 1)

Vote History: (Top)

Chamber	Roll Call	Vote Date	Available Formats
HOUSE	0442	05/03/01	Web Page
SENATE	0014	05/02/01	Web Page
SENATE	0080	05/04/01	Web Page

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House 1449: Relating to Consumer Protection

H1449 GENERAL BILL by Agriculture & Consumer Affairs (CCC); Spratt; Stansel;

Kendrick (Compare CS/CS/2ND REG/S 0784)

YTB AG-01

Consumer Protection; requires charitable organizations or sponsors to display certain information on certain solicitation materials; requires certain health studio contract refunds to be issued within time certain; prohibits pawnbrokers from knowingly accepting stolen property; specifies additional prohibited act by business opportunity sellers; provides additional estimated cost of repair requirements for written repair estimates, etc. Amends FS. EFFECTIVE DATE: 10/01/2001.

- 03/16/01 HOUSE Filed
- 03/19/01 HOUSE Introduced -HJ 00184
- 03/26/01 HOUSE Referred to Judicial Oversight (SGC); Council for Competitive Commerce -HJ 00347
- 04/10/01 HOUSE On Committee agenda-- Judicial Oversight (SGC), 04/12/01, 9:15 am, 212-K
- 04/12/01 HOUSE Favorable by Judicial Oversight (SGC); YEAS 10 NAYS 0 -HJ 00532
- 04/13/01 HOUSE Now in Council for Competitive Commerce -HJ 00532
- 04/16/01 HOUSE On Council agenda-- Council for Competitive Commerce, 04/16/01, 10:30 am, Reed Hall
- 04/18/01 HOUSE Favorable with 4 amendment(s) by- Council for Competitive Commerce; YEAS 12 NAYS 0 -HJ 00548
- 04/20/01 HOUSE Placed on Calendar, on second reading -HJ 00548
- 04/27/01 HOUSE Placed on Special Order Calendar; Retained on Calendar
- 05/04/01 HOUSE Died on Calendar, Link/Iden/Sim/Compare passed, refer to CS/CS/SB 784 (Ch. 2001-214)

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
H 1449	03/17/2001	Web Page PDF

Amendments: (Top)

H 1449:

Amendment ID	Date Posted	Available Formats	
473837	04/27/2001 -	Web Page PDF	Kendrick A → 650759
302661	04/27/2001 -	Web Page PDF	"
503500	04/24/2001 -	Web Page PDF	" A → 650759
650759	04/23/2001 9/18	Web Page PDF	compet comm R.
079539	04/23/2001 "	Web Page PDF	"
752211	04/23/2001 "	Web Page PDF	"
805973	04/27/2001 -	Web Page PDF	Kendrick
052896	04/23/2001 7/13	Web Page PDF	compet comm R.

Bill Analysis: (Top)

Analysis ID	Sponsor	Available Formats
h 1449	Agriculture & Consumer Affairs	PDF 3/16
h 1449	Judicial Oversight	PDF 4/10
h 1449a	Judicial Oversight	PDF 4/12
h 1449	CCC	PDF 4/16
h 1449a	CCC	PDF 4/18

Vote History: (Top)

No Vote History Available

Citations: (Top)

STATUTE CITATIONS: (Top)

- [0496.411](#)
- [0501.017](#)
- [0501.019](#)
- [0539.001](#)
- [0559.801](#)
- [0559.803](#)
- [0559.807](#)
- [0559.809](#)
- [0559.902](#)
- [0559.903](#)
- [0559.904](#)
- [0559.905](#)
- [0559.9221](#)

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Analysis ID	Sponsor	Available Formats	
h 0685	Agriculture & Consumer Affairs	PDF	3/12 H.C.
h 0685s1	Agriculture & Consumer Affairs	PDF	3/15 S
h 0685s1a	Agriculture & Consumer Affairs	PDF	3/16
h 0685s1	State Administration	PDF	4/10
h 0685s1a	State Administration	PDF	4/10
h 0685s1	CCC	PDF	4/16 (Council Com? Council)
h 0685s1a	CCC	PDF	

Vote History: (Top)

No Vote History Available

Citations: (Top)

STATUTE CITATIONS (Top)

- [0501.203](#)
- [0501.204](#)
- [0501.207](#)
- [0501.207.5](#)
- [0501.209.1](#)
- [0501.211](#)
- [0501.212](#)

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House 0685: Relating to Consumer Protection

H685 GENERAL BILL/CS by Agriculture & Consumer Affairs (CCC); Romeo; (CO-SPONSORS) Gannon; Sobel; Weissman; Peterman; Kendrick; Gibson; Bowen; Stansel; Lerner; Kottkamp (Similar CS/1ST ENG/S 0208, Compare CS/CS/2ND ENG/S 0784)
 Consumer Protection; authorizes action on behalf of governmental entity for damages caused by violation of specified provisions; provides for waiver of civil penalties if restitution is made for actual damages to governmental entity; provides exemptions from regulation under certain provision for certain activities regulated by PSC; reenacts specified provisions to incorporate amendments to federal law in references thereto, etc. Amends Ch. 501. EFFECTIVE DATE: 07/01/2001.

02/23/01 HOUSE Prefiled
 03/02/01 HOUSE Referred to Agriculture & Consumer Affairs (CCC); State Administration (SGC); Council for Competitive Commerce
 03/06/01 HOUSE Introduced, referred to Agriculture & Consumer Affairs (CCC); State Administration (SGC); Council for Competitive Commerce -HJ 00057
 03/12/01 HOUSE On Committee agenda-- Agriculture & Consumer Affairs (CCC), 03/14/01, 9:00 am, 28-H
 03/14/01 HOUSE CS by Agriculture & Consumer Affairs (CCC); YEAS 8 NAYS 0 -HJ 00410
 03/30/01 HOUSE CS read first time on 03/30/01 -HJ 00404
 03/27/01 HOUSE Pending review of CS under Rule 6 -HJ 00410
 03/30/01 HOUSE Now in State Administration (SGC) -HJ 00410
 04/10/01 HOUSE On Committee agenda-- State Administration (SGC), 04/12/01, 9:15 am, 306-H
 04/12/01 HOUSE Favorable with 1 amendment(s) by State Administration (SGC); YEAS 5 NAYS 0 -HJ 00532
 04/13/01 HOUSE Now in Council for Competitive Commerce -HJ 00532
 04/16/01 HOUSE On Council agenda-- Council for Competitive Commerce, 04/18/01, 10:30 am, Reed Hall
 04/18/01 HOUSE Favorable by- Council for Competitive Commerce; YEAS 11 NAYS 0 -HJ 00548
 04/20/01 HOUSE Placed on Calendar, on second reading -HJ 00548
 04/27/01 HOUSE Placed on Special Order Calendar; Retained on Calendar
 05/04/01 HOUSE Died on Calendar, Link/Iden/Sim/Compare passed, refer to CS/SB 208 (Ch. 2001-39), CS/CS/SB 784 (Ch. 2001-214)

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
H 0685	02/24/2001	Web Page PDF
H 0685C1	03/28/2001	Web Page PDF

Amendments: (Top)

H 0685:		
Amendment ID	Date Posted	Available Formats
H 0685C1:		
Amendment ID	Date Posted	Available Formats
440591	04/12/2001	Web Page PDF