

By Senator Clemens

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1                                   A bill to be entitled  
2       An act relating to telephone solicitation; reordering  
3       and amending s. 501.059, F.S.; redefining the term  
4       "telephonic sales call" as used in the administration  
5       of the "no sales solicitation calls" list by the  
6       Department of Agriculture and Consumer Services to  
7       include voice, text, or electronic communication  
8       through a landline, mobile, or internet telephone  
9       service for the purpose of prohibiting certain  
10      communications from telephone solicitors to consumers;  
11      providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Subsection (1) of section 501.059, Florida  
16 Statutes, is reordered and amended to read:

17       501.059 Telephone solicitation.-

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

19       (g) (a) "Telephonic sales call" means a voice, text, or  
20 electronic communication through a landline, mobile, or internet  
21 telephone service call made by a telephone solicitor to a  
22 consumer, for the purpose of soliciting a sale of any consumer  
23 goods or services, or for the purpose of soliciting an extension  
24 of credit for consumer goods or services, or for the purpose of  
25 obtaining information that will or may be used for the direct  
26 solicitation of a sale of consumer goods or services or an  
27 extension of credit for such purposes.

28       (b) "Consumer goods or services" means ~~any~~ real property or  
29 ~~any~~ tangible or intangible personal property which is normally

27-00182-14

2014450\_\_

30 used for personal, family, or household purposes, including, but  
31 not limited to ~~without limitation~~, any such property intended to  
32 be attached to or installed in any real property without regard  
33 to whether it is so attached or installed, as well as cemetery  
34 lots and timeshare estates, and any services related to such  
35 property.

36 (h)~~(e)~~ "Unsolicited telephonic sales call" means a  
37 telephonic sales call other than a call made:

- 38 1. In response to an express request of the person called;
- 39 2. Primarily in connection with an existing debt or  
40 contract, if payment or performance of such debt or contract  
41 ~~which~~ has not been completed at the time of such call;
- 42 3. To any person with whom the telephone solicitor has a  
43 prior or existing business relationship; or
- 44 4. By a newspaper publisher or his or her agent or employee  
45 in connection with his or her business.

46 (f)~~(d)~~ "Telephone solicitor" means any natural person,  
47 firm, organization, partnership, association, or corporation, or  
48 a subsidiary or affiliate thereof, doing business in this state,  
49 who makes or causes to be made a telephonic sales call,  
50 including, but not limited to, calls made by use of automated  
51 dialing or recorded message devices.

52 (a)~~(e)~~ "Consumer" means an actual or prospective purchaser,  
53 lessee, or recipient of consumer goods or services.

54 (e)~~(f)~~ "Merchant" means a person who, directly or  
55 indirectly, offers or makes available to consumers any consumer  
56 goods or services.

57 (d)~~(g)~~ "Doing business in this state" means ~~refers to~~  
58 businesses that ~~who~~ conduct telephonic sales calls from a

27-00182-14

2014450\_\_

59 location in Florida or from other states or nations to consumers  
60 located in Florida.

61 (c)~~(h)~~ "Department" means the Department of Agriculture and  
62 Consumer Services.

63 Section 2. This act shall take effect July 1, 2014.