

Committee on Commerce and Tourism

CS/SB 1120 — Telephone Solicitation

by Regulated Industries Committee and Senators Gibson, Powell, and Gruters

This bill requires all sales telephone calls, text messages, and direct-to-voicemail transmissions to have the receiving consumer's prior express written consent if the call will be made using an automated machine to dial the recipient's phone number, or will play a recorded message upon connection with the recipient.

The bill creates a rebuttable presumption that a sales call made to a Florida area code is made either to a Florida resident or to a person in this state at the time of the call.

The bill creates a private right of action to enforce the above provisions. An aggrieved party may petition a court to enjoin the violating party. A prevailing plaintiff may recover the greater sum of either their actual monetary damages or \$500. Additionally, a court may increase damages by up to three times, for a willful or knowing violation.

The bill amends the Florida Telemarketing Act to prohibit telephone sellers or salespersons from calling consumers outside of the hours between 8 a.m. and 8 p.m. in the consumer's time zone, and prohibits telephone sellers or salespersons from contacting consumers on the same subject matter more than three times in a 24-hour period. The bill clarifies that calls made through an automated dialer or recorded message are subject to the same prohibitions.

The bill also creates a crime punishable as a second-degree misdemeanor that prohibits telephone sellers or salespersons from using technology that displays a spoofed phone number in order to conceal the caller's identity from the call recipient.

If approved by the Governor, these provisions take effect on July 1, 2021.

Vote: Senate 40-0; House 115-0