

Amendment No. 5 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Ogles offered the following:

13 **Amendment**

14 On page 2, line 1 through page 5 line 2
15 remove from the bill: all of said lines

17 and insert in lieu thereof:

18 individuals in this state who do not want to receive uninvited
19 telephonic solicitations to make it known to the public by
20 placing their telephone numbers on the "no telephonic
21 solicitations" list provided in this section. Further, it is
22 the intent of the Legislature to prohibit uninvited telephonic
23 solicitations to such telephone numbers on the "no telephonic
24 solicitations" list. The Legislature finds that the method
25 provided in this section for regulating uninvited telephonic
26 solicitations is drawn in such a manner so as to minimize the
27 burden on solicitation activities.

28 (2)(1) As used in this section:

29 (a) "Telephonic solicitation ~~sales call~~" means a call
30 made by a telephone solicitor to a residential, mobile, or
31 telephonic paging device telephone number in this state

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1 ~~consumer~~, for the purpose of soliciting a sale of any consumer
2 goods or services, including calls made for the purpose of
3 obtaining information that will or may later be used for the
4 solicitation of a sale of consumer goods or services, or a
5 call made for the purpose of soliciting a contribution of
6 money, property, or financial assistance, or any other thing
7 of value, including requests on behalf of political parties,
8 candidates, or ballot proposals ~~or for the purpose of~~
9 ~~soliciting an extension of credit for consumer goods or~~
10 ~~services, or for the purpose of obtaining information that~~
11 ~~will or may be used for the direct solicitation of a sale of~~
12 ~~consumer goods or services or an extension of credit for such~~
13 ~~purposes.~~

14 (b) "Consumer goods or services" means any real
15 property or any tangible or intangible personal property which
16 is normally used for personal, family, or household purposes,
17 including, without limitation, cemetery lots, timeshare
18 estates, financial services, insurance, telecommunications
19 services, and any ~~such~~ property intended to be attached to or
20 installed in any real property without regard to whether it is
21 so attached or installed, as well as ~~cemetery lots and~~
22 ~~timeshare estates, and any services related to real~~ ~~such~~
23 property ~~or any tangible or intangible personal property.~~

24 (c) "Uninvited ~~Unsolicited~~ telephonic solicitation
25 ~~sales call~~" means a telephonic solicitation to any
26 residential, mobile, or telephonic paging device telephone
27 number unless the telephonic solicitation is ~~sales call other~~
28 ~~than a call made+~~

29 ~~+~~ in response to an express request of the person
30 called, or in response to a sign or other form of
31 advertisement placed by the person called, or is directed to a

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1 person with whom the telephone solicitor has a prior or an
2 existing relationship. A telephonic solicitation made in
3 connection with an existing relationship includes, but is not
4 limited to, an inquiry regarding an existing debt, contract,
5 or warranty, payment or performance of which has not been
6 completed at the time of such call.

7 ~~2. Primarily in connection with an existing debt or~~
8 ~~contract, payment or performance of which has not been~~
9 ~~completed at the time of such call.~~

10 ~~3. To any person with whom the telephone solicitor has~~
11 ~~a prior or existing business relationship; or~~

12 ~~4. By a newspaper publisher or his or her agent or~~
13 ~~employee in connection with his or her business.~~

14 (d) "Commission" means the Florida Public Service
15 Commission.

16 (e) "Telephone solicitor" means any natural person,
17 firm, organization, partnership, association, or corporation,
18 or a subsidiary or affiliate thereof, ~~doing business in this~~
19 ~~state,~~ who makes or causes to be made a telephonic
20 solicitation sales call, including, but not limited to, calls
21 made by use of automated dialing or recorded message devices
22 from a location in this state, or from other states or
23 nations, to residences, mobile telephones, or telephonic
24 paging devices in this state.

25 (f) "Subscriber" means any individual who requests
26 that the department place the individual's in-state
27 residential, mobile, or telephonic paging device telephone
28 number on the department's no telephonic solicitation list and
29 who pays the applicable fee to the department. ~~"Consumer"~~
30 ~~means an actual or prospective purchaser, lessee, or recipient~~
31 ~~of consumer goods or services.~~

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1 ~~(g) "Merchant" means a person who, directly or~~
2 ~~indirectly, offers or makes available to consumers any~~
3 ~~consumer goods or services.~~
4 ~~(h) "Doing business in this state" refers to~~
5 ~~businesses who conduct telephonic sales calls from a location~~
6 ~~in Florida or from other states or nations to consumers~~
7 ~~located in Florida.~~
8 (g)(i) "Department" means the Department of
9 Agriculture and Consumer Services.
10 (3)(2) Any telephone solicitor who calls ~~makes an~~
11 ~~unsolicited telephonic sales call to a~~ subscriber residential,
12 mobile, or telephonic paging device telephone number in this
13 state shall identify himself or herself by his or her true
14 first and last names and the business or organization on whose
15 behalf he or she is soliciting immediately upon making contact
16 by telephone with the person who is the object of the
17 telephonic ~~telephone~~ solicitation.
18 (4)(3)(a) Any ~~residential, mobile, or telephonic~~
19 ~~paging device telephone~~ subscriber desiring to be placed on a
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