

By the Committee on Regulated Industries and Senator Sebesta

315-1970-99

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A bill to be entitled
An act relating to telephone solicitation;
amending s. 501.059, F.S.; prohibiting
telephone solicitors from making unsolicited
calls without complete caller identification
information; providing penalties; providing an
effective date.

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

Section 1. Subsection (11) is added to Section
501.059, Florida Statutes, to read:

501.059 Telephone solicitation.--

(11) It is the intent of the Legislature to protect residential consumers from unwanted telephone solicitations and afford consumers all possible information regarding the identity of any telephone solicitor who places a call to that consumer. A telephone solicitor may not make or cause to be made any unsolicited telephonic sales call to any residential, mobile, or telephonic paging device telephone number unless the telephone number and name of the calling party is transmitted.

(a) Failure to comply with this subsection is an unfair and deceptive trade practice, punishable under the provisions of part II of this chapter.

(b) Any telephone solicitor who knowingly violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, the following actions constitute a knowing violation:

- 1 1. Disabling a telephone system's caller
2 identification generator;
3 2. Providing a false or fictitious number; or
4 3. Knowingly using telephone equipment that is
5 incapable of providing caller identification information.

6 Section 2. This act shall take effect October 1, 1999.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 SB 2278

11 Narrows focus of intent language to residential consumers, as
12 opposed to consumers generally;

13 Specifies that the name and telephone number of the calling
14 party must be transmitted, instead of "all possible caller
15 information";

16 Deletes language making it a violation of law to knowingly use
17 a telephone carrier that is incapable of passing on caller
18 identification information to the intended recipient of the
19 telephone solicitation.
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