

By Senator Posey

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A bill to be entitled

An act relating to electronic mail advertising;
prohibiting unsolicited e-mail advertising in
certain situations; providing penalties;
providing an effective date.

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

Section 1. (1) As used in this section, the term "unsolicited electronic mail advertising" means any material that advertises the commercial availability or quality of any property, goods, or services and that is transmitted by a commercial entity to a person in this state via electronic mail without that person's express invitation or permission, except any such material that is sent based upon a prior contractual or business relationship between the sender and the person.

(2) It is unlawful to transmit unsolicited electronic mail advertising to a person after that person notifies the sender to stop transmitting the unsolicited electronic mail advertising to that person. A sender who continues such transmission more than 10 days after being requested to stop is guilty of:

(a) A misdemeanor of the second degree, punishable as provided in section 775.082, Florida Statutes, or section 775.083, Florida Statutes, for a first offense;

(b) A misdemeanor of the first degree, punishable as provided in section 775.082, Florida Statutes, or section 775.083, Florida Statutes, for a second offense;

1 (c) A felony of the third degree punishable as
2 provided in section 775.082, Florida Statutes, or section
3 775.083, Florida Statutes, for a third offense.

4 Section 2. This act shall take effect July 1, 2002.

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7 SENATE SUMMARY

8 Prohibits the sending of unsolicited electronic mail
9 advertising to a person after the sender has been
 requested to stop and provides criminal penalties.

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