

Bill No. CS for CS for SB 1580

Amendment No. Barcode 320884

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

2/AD/2R
04/29/2003 11:46 AM

.
. .
. .
. .
. .
. .

Senator Aronberg moved the following **substitute for amendment**
(283436):

Senate Amendment (with title amendment)

On page 2, line 5, through
page 3, line 15, delete those lines

and insert:

501.165 Obtaining personal information for commercial solicitation.--Any person who uses deceptive practices or means to obtain another person's address, telephone number, or social security number and uses it to engage in commercial solicitation, or provides it to another person for purposes of commercial solicitation, commits an unfair or deceptive act or practice or unfair method of competition in violation of part II of this chapter, and is subject to the penalties and remedies provided for such violation, in addition to remedies otherwise available for such conduct.

Section 3. Section 501.2075, Florida Statutes, is amended to read:

501.2075 Civil penalty.--Except as provided in s.

Bill No. CS for CS for SB 1580

Amendment No. ____ Barcode 320884

1 501.2076 or s. 501.2077, any person, firm, corporation,
2 association, or entity, or any agent or employee of the
3 foregoing, who is willfully using, or has willfully used, a
4 method, act, or practice declared unlawful under s. 501.204,
5 or who is willfully violating any of the rules of the
6 department adopted under this part, is liable for a civil
7 penalty of not more than \$10,000 for each such violation.
8 Willful violations occur when the person knew or should have
9 known that his or her conduct was unfair or deceptive or
10 prohibited by rule. This civil penalty may be recovered in
11 any action brought under this part by the enforcing authority;
12 or the enforcing authority may terminate any investigation or
13 action upon agreement by the person, firm, corporation,
14 association, or entity, or the agent or employee of the
15 foregoing, to pay a stipulated civil penalty. The department
16 or the court may waive any such civil penalty if the person,
17 firm, corporation, association, or entity, or the agent or
18 employee of the foregoing, has previously made full
19 restitution or reimbursement or has paid actual damages to the
20 consumers or governmental entities who have been injured by
21 the unlawful act or practice or rule violation. If civil
22 penalties are assessed in any litigation, the enforcing
23 authority is entitled to reasonable attorney's fees and costs.
24 A civil penalty so collected shall accrue to the state and
25 shall be deposited as received into the General Revenue Fund
26 unallocated.

27 Section 4. Section 501.166, Florida Statutes, is
28 created to read:

29 501.166 Selling personal customer information.--

30 (1) Unless mandated by the Florida Public Service
31 Commission, a person who files for bankruptcy may not sell or

Bill No. CS for CS for SB 1580

Amendment No. ____ Barcode 320884

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 8, after the semicolon,

4

5 insert:

6 providing an exception;

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31