

By the Committees on Agriculture; Commerce, Economic Opportunities, and Consumer Services; and Senators Garcia and Lynn

303-2412-04

1                                   A bill to be entitled  
2           An act relating to telephone solicitation;  
3           requiring the Department of Agriculture and  
4           Consumer Services to prepare a report and  
5           submit recommendations to the Governor and  
6           Legislature concerning the state's "no sales  
7           solicitation calls" listing; prescribing items  
8           to be included as part of the report; providing  
9           an effective date.

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

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13           Section 1. The Department of Agriculture and Consumer  
14 Services shall prepare a report that evaluates the operation  
15 of the state's "no sales solicitation calls" listing,  
16 established under section 501.059, Florida Statutes, during  
17 the period from November 1, 2003, to November 1, 2004, and  
18 assesses the continued viability of the state listing as it  
19 has been affected by, among other factors, the federal  
20 Do-Not-Call program established through rules of the Federal  
21 Trade Commission and the Federal Communications Commission  
22 published at 68 Federal Register 4580 and 68 Federal Register  
23 44144. The department shall submit the report to the Governor,  
24 the President of the Senate, and the Speaker of the House of  
25 Representatives by December 1, 2004.

26           (1) The report must include, at a minimum, the  
27 following information, with comparable data for the same  
28 period during the prior year:

29           (a) The number of initial consumer subscriptions and  
30 renewal subscriptions to the state listing, and the associated  
31 fees collected, per month, with an explanation of any factors

1 that affected consumer subscriptions during the evaluation  
2 period.

3 (b) The number of purchases of the state listing by  
4 solicitors and the amount of fees generated from the  
5 purchases.

6 (c) The number of complaints received by the  
7 department related to the state listing per month.

8 (d) The number of enforcement actions taken by the  
9 department per month, the amount of fines imposed per month,  
10 and a description of any settlements reached.

11 (2) The report must also include:

12 (a) The number of listings of Florida consumers  
13 registered with the federal Do-Not-Call program which have  
14 been downloaded by the department and subscribed to the state  
15 listing, as well as the number of listings uploaded to the  
16 federal program, and a description of any impediments the  
17 department experienced in this process.

18 (b) A description of any activities by the department  
19 related to enforcement of the federal Do-Not-Call program.

20 (c) If telephone numbers of Florida consumers  
21 registered with the federal Do-Not-Call program have been  
22 downloaded to the state listing, an evaluation of whether  
23 those consumers have filed complaints with the department,  
24 and, if so, the nature of those complaints and what action, if  
25 any, was taken by the department to address those complaints.

26 (d) The status of litigation involving the federal  
27 program and an evaluation of the litigation's effect on the  
28 department's management of the state listing.

29 (e) A recommendation of whether it is feasible to  
30 continue operation of the state listing based upon, among  
31 other factors, the effects of the federal program; the

1 associated litigation; and the amount of revenue collected  
2 from subscriptions, renewals, solicitor fees, and enforcement  
3 actions. If the report recommends the continued operation of  
4 the state listing, the report must also include a  
5 recommendation of, and rationale for, the resources necessary  
6 for the department to continue to manage the listing at its  
7 current level of consumer protection.

8 (f) A description of how the federal program's  
9 preemption of less restrictive state exemptions affects any  
10 exemptions allowed under the state's "no sales solicitation  
11 calls" listing and a recommendation of legislative action, if  
12 any, which may be necessary to address this issue.

13 (g) Any additional information that the department  
14 believes will be useful to the Legislature in evaluating the  
15 state listing and any potential changes to the state listing.

16 Section 2. This act shall take effect July 1, 2004.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 CS for Senate Bill 1408

21 The committee substitute for the committee substitute differs  
22 from the committee substitute by removing terms that allow a  
23 business to subscribe a business telephone number to the  
state's "no sales solicitation calls" list. It returns the  
bill to the language of the original bill.