

By Senator Hill

1-604-05

1                                   A bill to be entitled  
2           An act relating to consumer call center  
3           services; providing definitions; requiring each  
4           customer sales call center and customer service  
5           call center to disclose certain information to  
6           customers; requiring that calls to a foreign  
7           country be rerouted to a call center located in  
8           the United States at the request of the  
9           customer; prohibiting a customer service  
10          employee from soliciting personal  
11          identification information from a customer;  
12          providing certain exceptions; requiring that an  
13          audio recording or written documentation of the  
14          customer's consent be made and preserved by the  
15          customer sales call center or customer service  
16          call center; prohibiting a call center from  
17          sending a customer's personal identification  
18          information to a foreign country without the  
19          express consent of the customer; requiring that  
20          an audio recording or written documentation of  
21          the customer's consent to the foreign country  
22          transfer be made and preserved by the customer  
23          sales call center or customer service call  
24          center; providing that a customer service  
25          employee or call center that violates the act  
26          commits a deceptive and unfair trade practice  
27          in violation of part II of ch. 501, F.S.;  
28          providing remedies; providing an effective  
29          date.  
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31   Be It Enacted by the Legislature of the State of Florida:

1           Section 1. (1) As used in this section, the term:

2           (a) "Customer" means any person located in this state  
3 who places a telephone call or sends an electronic mail  
4 message to, or who receives a telephone call or an electronic  
5 mail message from, a customer sales call center or customer  
6 service call center.

7           (b) "Customer sales call center" means an entity, the  
8 primary purpose of which includes initiating or receiving  
9 telephone calls or electronic mail messages for the purpose of  
10 initiating a sale, such as soliciting sales, receiving  
11 reservations, or receiving and taking orders.

12           (c) "Customer service call center" means an entity,  
13 the primary purpose of which includes initiating or receiving  
14 telephone calls or electronic mail messages on behalf of a  
15 customer for the purpose of providing services or other  
16 benefits, or furnishing information or technical assistance  
17 necessary in connection with providing those services or other  
18 benefits, such as providing customer services, reactivating  
19 dormant accounts, conducting surveys or research, or  
20 collecting receivables.

21           (d) "Customer service employee" means a person  
22 employed by or working on behalf of a customer sales call  
23 center or customer service call center.

24           (e) "Personal identification information" means any  
25 name or number that may be used, alone or in conjunction with  
26 any other information, to identify a specific customer,  
27 including:

28           1. A name, social security number, date of birth,  
29 driver's license or identification number issued by a state or  
30 the Federal Government, alien registration number, government  
31 passport number, employer or taxpayer identification number,

1 Medicaid or food stamp account number, bank account number,  
2 credit card or debit card number, or personal identification  
3 number or code assigned to the holder of a debit card by the  
4 issuer to permit authorized electronic use of such card;  
5       2. Unique biometric data, such as a fingerprint, voice  
6 print, retina or iris image, or other unique physical  
7 representation;  
8       3. A unique electronic identification number, address,  
9 password, or routing code;  
10       4. Telecommunication identifying information or access  
11 device; or  
12       5. Any other number or information that can be used to  
13 access a person's financial resources.  
14       (2) Each person, company, firm, association,  
15 corporation, subsidiary of a corporation, or other business  
16 entity or governmental agency that uses a customer sales call  
17 center or customer service call center to initiate or receive  
18 telephone calls or electronic mail messages from customers  
19 shall require that, within the first 30 seconds of any  
20 telephone call or electronic mail message and before the  
21 customer discloses any personal identification information,  
22 the customer service employee initiating or taking the  
23 telephone call or electronic mail message shall provide the  
24 customer with the following information:  
25       (a) The name or registered alias of the customer  
26 service employee;  
27       (b) The name of the employer of the customer service  
28 employee;  
29       (c) The name and location of the municipality, state,  
30 and country of the call center from which the customer service  
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1 employee is placing or receiving the telephone call or  
2 electronic mail message; and

3 (d) If applicable, the name and telephone number of an  
4 authorized representative of the business or governmental  
5 agency using the services of the customer sales call center or  
6 customer service call center.

7 (3) Any telephone call or electronic mail message to  
8 or from a customer sales call center or customer service call  
9 center in a foreign country shall be rerouted to a customer  
10 sales call center or customer service call center located in  
11 the United States, if such a request is made by the customer.

12 (4) A customer service employee may not solicit  
13 personal identification information from a customer unless the  
14 employee informs the customer that disclosing the personal  
15 identification is optional and the customer consents to giving  
16 the information. An audio recording or written documentation  
17 of the customer's consent must be made and preserved by the  
18 customer sales call center or customer service call center.

19 (5) A customer service employee may not send a  
20 customer's personal identification information to any third  
21 party, including a third party in a foreign country, without  
22 the express consent of the customer. An audio recording or  
23 written documentation of the customer's consent must be made  
24 and preserved by the customer sales call center or customer  
25 service call center.

26 (6) Any customer service employee, customer sales call  
27 center, or customer service call center that violates this  
28 section commits a deceptive and unfair trade practice in  
29 violation of part II of chapter 501, Florida Statutes, and is  
30 subject to the penalties and remedies provided under that  
31 chapter.

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Section 2. This act shall take effect July 1, 2005.

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SENATE SUMMARY

Requires each customer sales call center and customer service call center to disclose certain information to customers. Directs that calls to a foreign country be rerouted to a call center located in the United States at the request of the customer. Prohibits a customer service employee from soliciting personal identification information from a customer. Provides certain exceptions. Requires that an audio recording or written documentation of the customer's consent be made and preserved by the customer sales call center or customer service call center. Prohibits a call center from sending a customer's personal identification information to a foreign country without the express consent of the customer. Requires that an audio recording or written documentation of the customer's consent to the foreign country transfer be made and preserved by the customer sales call center or customer service call center. Provides that if a customer service employee or a call center violates this act, the person or entity commits a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.