

By Senator King

8-392-07

See HB

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A bill to be entitled
An act relating to telephone solicitation;
amending s. 501.059, F.S.; prohibiting certain
telephone solicitation by any person on behalf
of a candidate for a federal, state, or local
political office, committee of continuous
existence, or other political entity; providing
an effective date.

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

Section 1. Subsection (7) of section 501.059, Florida
Statutes, is amended to read:

501.059 Telephone solicitation.--

(7)(a) No person shall make or knowingly allow a
telephonic sales call to be made if such call involves an
automated system for the selection or dialing of telephone
numbers or the playing of a recorded message when a connection
is completed to a number called.

(b) No person on behalf of a candidate for a federal,
state, or local political office, committee of continuous
existence, or other political entity shall make or knowingly
allow a telephonic call related to a political office or issue
to be made to any number on the department's "no sales
solicitation calls" list if such call involves an automated
system for the selection or dialing of telephone numbers or
the playing of a recorded message when a connection is
completed to a number called.

~~(c)(b)~~ Nothing herein prohibits the use of an
automated telephone dialing system with live messages if the
calls are made or messages given solely in response to calls

1 initiated by the persons to whom the automatic calls or live
2 messages are directed or if the telephone numbers selected for
3 automatic dialing have been screened to exclude any telephone
4 subscriber who is included on the department's then-current
5 "no sales solicitation calls" listing or any unlisted
6 telephone number, or if the calls made concern goods or
7 services that have been previously ordered or purchased.

8 (d)~~(e)~~ It shall be unlawful for any person who makes a
9 telephonic sales call or causes a telephonic sales call to be
10 made to fail to transmit or cause not to be transmitted the
11 telephone number and, when made available by the telephone
12 solicitor's carrier, the name of the telephone solicitor to
13 any caller identification service in use by a recipient of a
14 telephonic sales call. However, it shall not be a violation to
15 substitute, for the name and telephone number used in or
16 billed for making the call, the name of the seller on behalf
17 of which a telephonic sales call is placed and the seller's
18 customer service telephone number, which is answered during
19 regular business hours. For purposes of this section, the term
20 "caller identification service" means a service that allows a
21 telephone subscriber to have the telephone number and, where
22 available, the name of the calling party transmitted
23 contemporaneously with the telephone call and displayed on a
24 device in or connected to the subscriber's telephone.

25 (e)~~(d)~~ It shall be unlawful for any person who makes a
26 telephonic sales call or causes a telephonic sales call to be
27 made to intentionally alter the voice of the caller in an
28 attempt to disguise or conceal the identity of the caller in
29 order to defraud, confuse, or financially or otherwise injure
30 the recipient of a telephonic sales call or in order to obtain
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1 | personal information from the recipient of a telephonic sales
2 | call which may be used in a fraudulent or unlawful manner.

3 | Section 2. This act shall take effect July 1, 2007.
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