

1 A bill to be entitled
2 An act relating to telephone solicitation; amending s.
3 106.147, F.S.; revising the disclosure statement
4 requirements for certain telephone solicitations; amending
5 s. 501.059, F.S.; prohibiting certain telephone
6 solicitation by any person on behalf of a candidate for a
7 federal, state, or local political office, committee of
8 continuous existence, or other political entity; 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. Paragraph (a) of subsection (1) of section
14 106.147, Florida Statutes, is amended to read:

15 106.147 Telephone solicitation; disclosure requirements;
16 prohibitions; exemptions; penalties.--

17 (1)(a) Any telephone call supporting or opposing a
18 candidate, elected public official, or ballot proposal must
19 identify the persons or organizations sponsoring the call by
20 stating at the beginning of the call either: "The following is a
21 paid telephone call paid for by_____" (insert name of persons or
22 organizations sponsoring the call) or "paid for on behalf
23 of_____" (insert name of persons or organizations authorizing
24 call). This paragraph does not apply to any telephone call in
25 which both the individual making the call is not being paid and
26 the individuals participating in the call know each other prior
27 to the call.

28 Section 2. Subsection (7) of section 501.059, Florida
29 Statutes, is amended to read:

30 501.059 Telephone solicitation.--

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

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

45 (c) ~~(b)~~ Nothing herein prohibits the use of an automated
46 telephone dialing system with live messages if the calls are
47 made or messages given solely in response to calls initiated by
48 the persons to whom the automatic calls or live messages are
49 directed or if the telephone numbers selected for automatic
50 dialing have been screened to exclude any telephone subscriber
51 who is included on the department's then-current "no sales
52 solicitation calls" listing or any unlisted telephone number, or
53 if the calls made concern goods or services that have been
54 previously ordered or purchased.

55 (d)~~(e)~~ It shall be unlawful for any person who makes a
56 telephonic sales call or causes a telephonic sales call to be
57 made to fail to transmit or cause not to be transmitted the
58 telephone number and, when made available by the telephone
59 solicitor's carrier, the name of the telephone solicitor to any
60 caller identification service in use by a recipient of a
61 telephonic sales call. However, it shall not be a violation to
62 substitute, for the name and telephone number used in or billed
63 for making the call, the name of the seller on behalf of which a
64 telephonic sales call is placed and the seller's customer
65 service telephone number, which is answered during regular
66 business hours. For purposes of this section, the term "caller
67 identification service" means a service that allows a telephone
68 subscriber to have the telephone number and, where available,
69 the name of the calling party transmitted contemporaneously with
70 the telephone call and displayed on a device in or connected to
71 the subscriber's telephone.

72 (e)~~(d)~~ It shall be unlawful for any person who makes a
73 telephonic sales call or causes a telephonic sales call to be
74 made to intentionally alter the voice of the caller in an
75 attempt to disguise or conceal the identity of the caller in
76 order to defraud, confuse, or financially or otherwise injure
77 the recipient of a telephonic sales call or in order to obtain
78 personal information from the recipient of a telephonic sales
79 call which may be used in a fraudulent or unlawful manner.

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