

By Senator Argenziano

3-456-07

1 A bill to be entitled
2 An act relating to telephone solicitation;
3 amending s. 501.059, F.S.; defining the term
4 "politically oriented telephone call";
5 prohibiting a telephone solicitor or person
6 acting on behalf of a candidate for a federal,
7 state, or local political office, committee of
8 continuous existence, or other political entity
9 from making a politically oriented telephone
10 call to a person whose number is in the "no
11 sales solicitation calls" list maintained by
12 the Department of Agriculture and Consumer
13 Services or which involves the playing of a
14 recorded message; providing an effective date.

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

18 Section 1. Paragraph (j) is added to subsection (1) of
19 section 501.059, Florida Statutes, and subsections (4) and (7)
20 of that section are amended, to read:

21 501.059 Telephone solicitation.--

22 (1) As used in this section:

23 (j) "Politically oriented telephone call" means an
24 outbound telephone call, the purpose of which is to promote,
25 advertise, campaign for or against, or solicit donations on
26 behalf of any political candidate or political issue, or which
27 uses in the call a political candidate's name.

28 (4)(a) A ~~No~~ telephone solicitor may not ~~shall~~ make or
29 cause to be made any unsolicited telephonic sales call or a
30 politically oriented telephone call to any residential,
31 mobile, or telephonic paging device telephone number if the

1 number for that telephone appears in the then-current
2 quarterly listing published by the department.

3 (b) Any telephone solicitor or person who offers for
4 sale any consumer information ~~that which~~ includes residential,
5 mobile, or telephonic paging device telephone numbers, except
6 directory assistance and telephone directories sold by
7 telephone companies and organizations exempt under s.
8 501(c)(3) or (6) of the Internal Revenue Code, shall screen
9 and exclude those numbers ~~that which~~ appear on the division's
10 then-current "no sales solicitation calls" list.

11 (c) This subsection does not apply to any person
12 licensed under ~~pursuant to~~ chapter 475 who calls an actual or
13 prospective seller or lessor of real property when the such
14 call is made in response to a yard sign or other form of
15 advertisement placed by the seller or lessor.

16 (7)(a) ~~A No~~ person may not shall make or knowingly
17 allow a telephonic sales call to be made if the such call
18 involves an automated system for the selection or dialing of
19 telephone numbers or the playing of a recorded message when a
20 connection is completed to a number called.

21 (b) A person acting on behalf of a candidate for a
22 federal, state, or local political office, committee of
23 continuous existence, or other political entity may not make
24 or knowingly allow a politically oriented telephone call to be
25 made to any number on the department's "no sales solicitation
26 calls" list if the call involves the playing of a recorded
27 message when a connection is completed to the number called or
28 if the call is a telephone call commonly referred to as a
29 "robo call."

30 (c)(b) This subsection does not prohibit ~~Nothing~~
31 ~~herein prohibits~~ the use of an automated telephone dialing

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

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

28 ~~(e)(d)~~ A ~~It shall be unlawful for any~~ person who makes
29 a telephonic sales call or causes a telephonic sales call to
30 be made may not ~~to~~ intentionally alter the voice of the caller
31 in an attempt to disguise or conceal the identity of the

1 caller in order to defraud, confuse, or financially or
2 otherwise injure the recipient of a telephonic sales call or
3 in order to obtain personal information from the recipient of
4 a telephonic sales call which may be used in a fraudulent or
5 unlawful manner.

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

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9 SENATE SUMMARY

10 Defines the term "politically oriented telephone call."
11 Prohibits a telephone solicitor or person acting on
12 behalf of a candidate for a federal, state, or local
13 political office, committee of continuous existence, or
14 other political entity from making a politically oriented
15 telephone call to a person whose number is in the current
quarterly edition of the "no sales solicitation calls"
list maintained by the Department of Agriculture and
Consumer Services or from making a politically oriented
telephone call to such a person if the call involves the
playing of a recorded message.

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