

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

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (j) is added to subsection (1) of
 17 section 501.059, Florida Statutes, and subsections (4) and (7)
 18 of that section are amended, to read:

19 501.059 Telephone solicitation.--

20 (1) As used in this section:

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

26 (4) (a) A ~~No~~ telephone solicitor may not ~~shall~~ make or
 27 cause to be made any unsolicited telephonic sales call or a
 28 politically oriented telephone call to any residential, mobile,

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29 or telephonic paging device telephone number if the number for
30 that telephone appears in the then-current quarterly listing
31 published by the department.

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

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

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

50 (b) A person acting on behalf of a candidate for a
51 federal, state, or local political office, committee of
52 continuous existence, or other political entity may not make or
53 knowingly allow a politically oriented telephone call to be made
54 to any number on the department's "no sales solicitation calls"
55 list if the call involves the playing of a recorded message when
56 a connection is completed to the number called or if the call is

57 a telephone call commonly referred to as a "robo call."

58 (c)(b) This subsection does not prohibit ~~Nothing herein~~
59 ~~prohibits~~ the use of an automated telephone dialing system with
60 live messages if the calls are made or messages given solely in
61 response to calls initiated by the persons to whom the automatic
62 calls or live messages are directed or if the telephone numbers
63 selected for automatic dialing have been screened to exclude any
64 telephone subscriber who is included on the department's then-
65 current "no sales solicitation calls" listing or any unlisted
66 telephone number, or if the calls made concern goods or services
67 that have been previously ordered or purchased.

68 (d)(e) A ~~It shall be unlawful for any person who makes a~~
69 telephonic sales call or causes a telephonic sales call to be
70 made may not ~~to~~ fail to transmit or cause not to be transmitted
71 the telephone number and, when made available by the telephone
72 solicitor's carrier, the name of the telephone solicitor to any
73 caller identification service in use by a recipient of a
74 telephonic sales call. However, it is ~~shall~~ not be a violation
75 to substitute, for the name and telephone number used in or
76 billed for making the call, the name of the seller on behalf of
77 which a telephonic sales call is placed and the seller's
78 customer service telephone number, which is answered during
79 regular business hours. For purposes of this section, the term
80 "caller identification service" means a service that allows a
81 telephone subscriber to have the telephone number and, where
82 available, the name of the calling party transmitted
83 contemporaneously with the telephone call and displayed on a
84 device in or connected to the subscriber's telephone.

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85 (e) ~~(d)~~ A ~~It shall be unlawful for any person who makes a~~
86 telephonic sales call or causes a telephonic sales call to be
87 made may not ~~to~~ intentionally alter the voice of the caller in
88 an attempt to disguise or conceal the identity of the caller in
89 order to defraud, confuse, or financially or otherwise injure
90 the recipient of a telephonic sales call or in order to obtain
91 personal information from the recipient of a telephonic sales
92 call which may be used in a fraudulent or unlawful manner.

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