

HB 13

2008

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.

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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, 2008.