

1 A bill to be entitled

2 An act relating to telephone solicitation; reordering
 3 and amending s. 501.059, F.S.; redefining the term
 4 "telephonic sales call"; prohibiting a telephone
 5 solicitor from transmitting certain text messages to a
 6 consumer if the consumer is on the "no sales
 7 solicitation calls" list maintained by the Department
 8 of Agriculture and Consumer Services or if the
 9 consumer has previously communicated such a request to
 10 the telephone solicitor; providing appropriations and
 11 authorizing a position; providing an effective date.

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

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 15 Section 1. Subsection (1) of section 501.059, Florida
 16 Statutes, is reordered and amended, and subsection (5) of that
 17 section is amended, to read:

18 501.059 Telephone solicitation.—

19 (1) As used in this section, the term:

20 (g) (a) "Telephonic sales call" means a telephone call or
 21 text message ~~call made by a telephone solicitor~~ to a consumer,
 22 for the purpose of soliciting a sale of any consumer goods or
 23 services, ~~or for the purpose of~~ soliciting an extension of
 24 credit for consumer goods or services, ~~or for the purpose of~~
 25 obtaining information that will or may be used for the direct
 26 solicitation of a sale of consumer goods or services or an

27 extension of credit for such purposes.

28 (b) "Consumer goods or services" means ~~any~~ real property
 29 or ~~any~~ tangible or intangible personal property that ~~which~~ is
 30 normally used for personal, family, or household purposes,
 31 including, but not limited to ~~without limitation~~, any such
 32 property intended to be attached to or installed in any real
 33 property without regard to whether it is so attached or
 34 installed, as well as cemetery lots and timeshare estates, and
 35 any services related to such property.

36 (h) ~~(e)~~ "Unsolicited telephonic sales call" means a
 37 telephonic sales call other than a call made:

38 1. In response to an express request of the person called;

39 2. Primarily in connection with an existing debt or
 40 contract, if payment or performance of such debt or contract
 41 ~~which~~ has not been completed at the time of such call;

42 3. To a ~~any~~ person with whom the telephone solicitor has a
 43 prior or existing business relationship; or

44 4. By a newspaper publisher or his or her agent or
 45 employee in connection with his or her business.

46 (f) ~~(d)~~ "Telephone solicitor" means a ~~any~~ natural person,
 47 firm, organization, partnership, association, or corporation, or
 48 a subsidiary or affiliate thereof, doing business in this state,
 49 who makes or causes to be made a telephonic sales call,
 50 including, but not limited to, calls made by use of automated
 51 dialing or recorded message devices.

52 (a) ~~(e)~~ "Consumer" means an actual or prospective

53 purchaser, lessee, or recipient of consumer goods or services.

54 (e)~~(f)~~ "Merchant" means a person who, directly or
 55 indirectly, offers or makes available to consumers any consumer
 56 goods or services.

57 (d)~~(g)~~ "Doing business in this state" means ~~refers to~~
 58 businesses that ~~who~~ conduct telephonic sales calls from a
 59 location in Florida or from other states or nations to consumers
 60 located in Florida.

61 (c)~~(h)~~ "Department" means the Department of Agriculture
 62 and Consumer Services.

63 (5) A telephone solicitor may not initiate an outbound
 64 telephone call or text message to a consumer who has previously
 65 communicated to the telephone solicitor that he or she does not
 66 wish to receive an outbound telephone call or text message:

67 (a) Made by or on behalf of the seller whose goods or
 68 services are being offered; or

69 (b) Made on behalf of a charitable organization for which
 70 a charitable contribution is being solicited.

71 Section 2. For the 2014-2015 fiscal year, the sums of
 72 \$54,908 in recurring funds and \$8,773 in nonrecurring funds are
 73 appropriated from the General Inspection Trust Fund to the
 74 Department of Agriculture and Consumer Services, and one full-
 75 time equivalent position with associated salary rate of 32,386
 76 is authorized, for the purpose of implementing this act.

77 Section 3. This act shall take effect July 1, 2014.