



660798

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2014	.	
	.	
	.	
	.	

The Committee on Agriculture (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

501.059 Telephone solicitation.—

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

(g)~~(a)~~ "Telephonic sales call" means a telephone call or



660798

11 ~~text message call made by a telephone solicitor~~ to a consumer,
12 for the purpose of soliciting a sale of any consumer goods or
13 services, ~~or for the purpose of soliciting an extension of~~
14 credit for consumer goods or services, or ~~for the purpose of~~
15 obtaining information that will or may be used for the direct
16 solicitation of a sale of consumer goods or services or an
17 extension of credit for such purposes.

18 (b) "Consumer goods or services" means ~~any~~ real property or
19 ~~any~~ tangible or intangible personal property that ~~which~~ is
20 normally used for personal, family, or household purposes,
21 including, but not limited to ~~without limitation~~, any such
22 property intended to be attached to or installed in any real
23 property without regard to whether it is so attached or
24 installed, as well as cemetery lots and timeshare estates, and
25 any services related to such property.

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

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

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

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

34 4. By a newspaper publisher or his or her agent or employee
35 in connection with his or her business.

36 (f) ~~(d)~~ "Telephone solicitor" means a ~~any~~ natural person,
37 firm, organization, partnership, association, or corporation, or
38 a subsidiary or affiliate thereof, doing business in this state,
39 who makes or causes to be made a telephonic sales call,



660798

40 including, but not limited to, calls made by use of automated
41 dialing or recorded message devices.

42 (a)~~(e)~~ "Consumer" means an actual or prospective purchaser,
43 lessee, or recipient of consumer goods or services.

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

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

51 (c)~~(h)~~ "Department" means the Department of Agriculture and
52 Consumer Services.

53 (5) A telephone solicitor may not initiate an outbound
54 telephone call or text message to a consumer who has previously
55 communicated to the telephone solicitor that he or she does not
56 wish to receive an outbound telephone call or text message:

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

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

61 Section 2. This act shall take effect July 1, 2014.

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete everything before the enacting clause
66 and insert:

67 A bill to be entitled

68 An act relating to telephone solicitation; reordering



660798

69 and amending s. 501.059, F.S.; redefining the term
70 "telephonic sales call"; prohibiting a telephone
71 solicitor from transmitting certain text messages to a
72 consumer if the consumer is on the "no sales
73 solicitation calls" list maintained by the Department
74 of Agriculture and Consumer Services or the consumer
75 has previously communicated such a request to the
76 telephone solicitor; providing an effective date.