

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Careers & Competition
2 Subcommittee

3 Representative Ausley offered the following:

4

5 **Amendment (with directory and title amendments)**

6 Between lines 35 and 36, insert:

7 (8)

8 (c) It shall be unlawful for any person who makes a
9 telephonic sales call or causes a telephonic sales call to be
10 made to fail to transmit or cause not to be transmitted the
11 telephone number and, when made available by the telephone
12 solicitor's carrier, the name of the telephone solicitor to any
13 caller identification service in use by a recipient of a
14 telephonic sales call. However, it shall not be a violation to
15 substitute, for the name and telephone number used in or billed
16 for making the call, the name of the seller on behalf of which a

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17 telephonic sales call is placed and the seller's customer
18 service telephone number, which is answered during regular
19 business hours. If a telephone number is made available through
20 a caller identification service as a result of a telephone sales
21 call, that telephone number must be capable of receiving phone
22 calls and must connect the original call recipient, upon calling
23 such number, to the telephone solicitor or to the seller on
24 behalf of which a telephonic sales call was placed. For purposes
25 of this section, the term "caller identification service" means
26 a service that allows a telephone subscriber to have the
27 telephone number and, where available, the name of the calling
28 party transmitted contemporaneously with the telephone call and
29 displayed on a device in or connected to the subscriber's
30 telephone.

31 (9) (a) The department shall investigate any complaints
32 received concerning violations of this section. If, after
33 investigating a complaint, the department finds that there has
34 been a violation of this section, the department or the
35 Department of Legal Affairs may bring an action to impose a
36 civil penalty and to seek other relief, including injunctive
37 relief, as the court deems appropriate against the telephone
38 solicitor. The civil penalty shall be in the Class IV ~~III~~
39 category pursuant to s. 570.971 for each violation and shall be
40 deposited in the General Inspection Trust Fund if the action or
41 proceeding was brought by the department, or the Legal Affairs

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42 Revolving Trust Fund if the action or proceeding was brought by
43 the Department of Legal Affairs. This civil penalty may be
44 recovered in any action brought under this part by the
45 department, or the department may terminate any investigation or
46 action upon agreement by the person to pay a stipulated civil
47 penalty. The department or the court may waive any civil penalty
48 if the person has previously made full restitution or
49 reimbursement or has paid actual damages to the consumers who
50 have been injured by the violation.

51 (b) The department may, as an alternative to the civil
52 penalties provided in paragraph (a), impose an administrative
53 fine in the Class III ± category pursuant to s. 570.971 for each
54 act or omission that constitutes a violation of this section. An
55 administrative proceeding that could result in the entry of an
56 order imposing an administrative penalty must be conducted
57 pursuant to chapter 120.

58
59 -----

60 **D I R E C T O R Y A M E N D M E N T**

61 Remove lines 13-14 and insert:

62 Section 1. Paragraph (g) of subsection (1), subsection
63 (5), paragraph (c) of subsection (8), and subsection (9) of
64 section 501.059, Florida Statutes, are amended to read:

65
66 -----

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T I T L E A M E N D M E N T

Remove line 9 and insert:

for donations; requiring that if a telephone number is available through a caller identification system, that telephone number must be capable of receiving calls and must connect the original call recipient to the solicitor; revising penalties; providing an effective date.