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17 services, or obtaining information that will or may be used for  
18 the direct solicitation of a sale of consumer goods or services  
19 or an extension of credit for such purposes.

20 (i) "Voicemail transmission" means technologies that  
21 deliver a voice message directly to a voicemail application,  
22 service, or device.

23 (5) A telephone solicitor or other person may not initiate  
24 an outbound telephone call, ~~or~~ text message, or voicemail  
25 transmission to a consumer, business, or donor or potential  
26 donor who has previously communicated to the telephone solicitor  
27 or other person that he or she does not wish to receive an  
28 outbound telephone call, ~~or~~ text message, or voicemail  
29 transmission:

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

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

34 (8)

35 (c) It shall be unlawful for any person who makes a  
36 telephonic sales call or causes a telephonic sales call to be  
37 made to fail to transmit or cause not to be transmitted the  
38 originating telephone number and, when made available by the  
39 telephone solicitor's carrier, the name of the telephone  
40 solicitor to any caller identification service in use by a  
41 recipient of a telephonic sales call. However, it shall not be a

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42 violation to substitute, for the name and telephone number used  
43 in or billed for making the call, the name of the seller on  
44 behalf of which a telephonic sales call is placed and the  
45 seller's customer service telephone number, which is answered  
46 during regular business hours. If a telephone number is made  
47 available through a caller identification service as a result of  
48 a telephonic sales call, the solicitor must ensure that  
49 telephone number is capable of receiving phone calls and must  
50 connect the original call recipient, upon calling such number,  
51 to the telephone solicitor or to the seller on behalf of which a  
52 telephonic sales call was placed. For purposes of this section,  
53 the term "caller identification service" means a service that  
54 allows a telephone subscriber to have the telephone number and,  
55 where available, the name of the calling party transmitted  
56 contemporaneously with the telephone call and displayed on a  
57 device in or connected to the subscriber's telephone.

58 (9) (a) The department shall investigate any complaints  
59 received concerning violations of this section. If, after  
60 investigating a complaint, the department finds that there has  
61 been a violation of this section, the department or the  
62 Department of Legal Affairs may bring an action to impose a  
63 civil penalty and to seek other relief, including injunctive  
64 relief, as the court deems appropriate against the telephone  
65 solicitor. The civil penalty shall be in the Class IV ~~III~~  
66 category pursuant to s. 570.971 for each violation and shall be

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67 deposited in the General Inspection Trust Fund if the action or  
 68 proceeding was brought by the department, or the Legal Affairs  
 69 Revolving Trust Fund if the action or proceeding was brought by  
 70 the Department of Legal Affairs. This civil penalty may be  
 71 recovered in any action brought under this part by the  
 72 department, or the department may terminate any investigation or  
 73 action upon agreement by the person to pay a stipulated civil  
 74 penalty. The department or the court may waive any civil penalty  
 75 if the person has previously made full restitution or  
 76 reimbursement or has paid actual damages to the consumers who  
 77 have been injured by the violation.

78 (b) The department may, as an alternative to the civil  
 79 penalties provided in paragraph (a), impose an administrative  
 80 fine in the Class III ± category pursuant to s. 570.971 for each  
 81 act or omission that constitutes a violation of this section. An  
 82 administrative proceeding that could result in the entry of an  
 83 order imposing an administrative penalty must be conducted  
 84 pursuant to chapter 120.

85  
 86 -----

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

87 Remove lines 26-29 and insert:  
 88 "telephonic sales call" to include voicemail  
 89 transmissions; defining the term "voicemail  
 90 transmission"; prohibiting the transmission of  
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92 | voicemails to specified persons who communicate to a  
93 | telephone solicitor that they would not like to  
94 | receive certain voicemail solicitations or requests  
95 | for donations; requiring a solicitor to ensure that if  
96 | a telephone number is available through a caller  
97 | identification system, that telephone number must be  
98 | capable of receiving calls and must connect the  
99 | original call recipient to the solicitor; revising  
100 | penalties; creating s. 501.6175,