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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/22/2021 03:51 PM

Senator Gibson moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 127 - 181

and insert:

(10) (a) A called party who is aggrieved by a violation of this section may bring an action to:

1. Enjoin such violation.

2. Recover actual damages or \$500, whichever is greater.

(b) If the court finds that the defendant willfully or knowingly violated this section or rules adopted pursuant to this section, the court may, in its discretion, increase the



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12 amount of the award to an amount equal to not more than three
13 times the amount available under paragraph (a).

14 Section 2. Subsections (6) and (7) of section 501.616,
15 Florida Statutes, are amended to read:

16 501.616 Unlawful acts and practices.—

17 (6) A commercial telephone seller or salesperson may not
18 make any of the following types of phone calls, including calls
19 made through automated dialing or recorded messages:

20 (a) A commercial telephone solicitation phone call before 8
21 a.m. or after 8 9 p.m. local time in at the called person's time
22 zone location.

23 (b) More than three commercial telephone solicitation phone
24 calls from any number to a person over a 24-hour period on the
25 same subject matter or issue, regardless of the phone number
26 used to make the call.

27 (7) A commercial telephone seller or salesperson making a
28 commercial telephone solicitation call may not:

29 (a) Intentionally act to prevent transmission of the
30 telephone solicitor's name or telephone number to the party
31 called when the equipment or service used by the telephone
32 solicitor is capable of creating and transmitting the telephone
33 solicitor's name or telephone number.

34 (b) Use technology that deliberately displays a different
35 caller identification number than the number the call is
36 originating from to conceal the true identity of the caller. A
37 commercial telephone seller or salesperson who makes a call
38 using such technology commits a misdemeanor of the second
39 degree, punishable as provided in s. 775.082 or s. 775.083.

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41 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

42 And the directory clause is amended as follows:

43 Delete lines 35 - 40

44 and insert:

45 Section 1. Present paragraphs (a) through (e) and (f)
46 through (i) of subsection (1) and present subsections (10),
47 (11), and (12) of section 501.059, Florida Statutes, are
48 redesignated as paragraphs (b) through (f) and (i) through (l),
49 and subsections (11), (12), and (13), respectively, new
50 paragraphs (a), (g), and (h) are added to subsection (1), a new
51 subsection (10) is added to that section, and subsection (8) of
52 that section is amended, to read:

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

55 And the title is amended as follows:

56 Delete lines 11 - 23

57 and insert:

58 award for willful and knowing violations; amending s.
59 501.616, F.S.; prohibiting a commercial telephone
60 seller or salesperson from using automated dialing or
61 recorded messages to make certain commercial telephone
62 solicitation phone calls; revising the timeframe
63 during which a commercial telephone seller or
64 salesperson may make commercial solicitation phone
65 calls; prohibiting commercial telephone sellers or
66 salespersons from making a specified number of
67 commercial telephone solicitation phone calls to a
68 person over a specified timeframe; prohibiting
69 commercial telephone sellers or salespersons from



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using certain technology to conceal their true
identity; providing criminal penalties;