

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Regulatory Reform
2 Subcommittee

3 Representative Beltran offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (8) of section 501.059, Florida
8 Statutes, is amended to read:

9 501.059 Telephone solicitation.-

10 (8) (a) A ~~No~~ person may not ~~shall~~ make or knowingly allow a
11 telephonic sales call to be made if such call involves an
12 automated system for the selection or dialing of telephone
13 numbers or the playing of a recorded message when a connection
14 is completed to a number called without the prior express
15 written consent of the called party.

16 (b) As used in this subsection, the term:

Amendment No. 1

17 1. "Called party" means a person who is the regular user
18 of the telephone number that is delivered a telephonic sales
19 call.

20 2. "Express written consent" means a written consent
21 agreement bearing the handwritten, electronic, or digital
22 signature of a called party that states the telephone number to
23 which the called party authorizes a telephonic sales call to be
24 delivered and clearly authorizes a person to make or knowingly
25 allow a telephonic sales call to be made using an automated
26 system for selecting or dialing telephone numbers, playing a
27 recorded message when a connection is completed to a telephone
28 number called, transmitting a text message, or transmitting a
29 prerecorded voicemail. A called party may revoke express written
30 consent through any reasonable means clearly expressing a desire
31 to receive no further calls, texts, or messages.

32 (c) The express written consent must include a clear and
33 conspicuous disclosure informing the called party that:

34 1. By executing the agreement, the called party authorizes
35 a person to make or knowingly allow a telephonic sales call to
36 be made using an automated system for selecting or dialing
37 telephone numbers, playing a recorded message when a connection
38 is completed to a telephone number called, transmitting a text
39 message, or transmitting a prerecorded voicemail.

40 2. The called party is not required to sign the agreement
41 or consent to enter into such an agreement as a condition of

Amendment No. 1

42 purchasing any property, goods, or services.

43 (d) There is a rebuttable presumption that any telephonic
44 sales call made to a Florida area code is made to a resident of
45 this state or to a person who is in this state at the time of
46 the telephonic sales call.

47 (e) This subsection does not prohibit ~~Nothing herein~~
48 ~~prohibits~~ the use of an automated telephone dialing system with
49 live messages if the calls are made or messages are given solely
50 in response to calls originally initiated by the persons to whom
51 the automatic calls or live messages are directed. This
52 paragraph does not authorize repeated calls in response to a
53 call made by a called party to the person who originally
54 initiated a telephonic sales call to the called party.

55 (f) This subsection does not prohibit the use of an
56 automated telephone dialing system ~~or if the telephone numbers~~
57 ~~selected for automatic dialing have been screened to exclude any~~
58 ~~telephone subscriber who is included on the department's then-~~
59 ~~current "no sales solicitation calls" listing or any unlisted~~
60 ~~telephone number, or~~ if the calls made concern goods or services
61 that have been previously ordered or purchased by the called
62 party and concern the order, purchase, or delivery of, or
63 payment for, such goods or services. This paragraph does not
64 authorize telephonic sales calls to a called party solely
65 because the called party has previously conducted business with
66 the person initiating the telephonic sales call.

415073 - h1307-strike.docx

Published On: 3/16/2021 4:35:36 PM

Amendment No. 1

67 (g)~~(e)~~ It is ~~shall be~~ unlawful for any person who makes a
68 telephonic sales call or causes a telephonic sales call to be
69 made to fail to transmit or cause not to be transmitted the
70 originating telephone number and, when made available by the
71 telephone solicitor's carrier, the name of the telephone
72 solicitor to any caller identification service in use by a
73 recipient of a telephonic sales call. However, it is ~~shall~~ not
74 ~~be~~ a violation to substitute, for the name and telephone number
75 used in or billed for making the call, the name of the seller on
76 behalf of which a telephonic sales call is placed and the
77 seller's customer service telephone number, which is answered
78 during regular business hours. If a telephone number is made
79 available through a caller identification service as a result of
80 a telephonic sales call, the solicitor must ensure that
81 telephone number is capable of receiving telephone calls and
82 must connect the original call recipient, upon calling such
83 number, to the telephone solicitor or to the seller on behalf of
84 which a telephonic sales call was placed. For purposes of this
85 section, the term "caller identification service" means a
86 service that allows a telephone subscriber to have the telephone
87 number and, where available, the name of the calling party
88 transmitted contemporaneously with the telephone call and
89 displayed on a device in or connected to the subscriber's
90 telephone.

91 (h)~~(d)~~ It shall be unlawful for any person who makes a

415073 - h1307-strike.docx

Published On: 3/16/2021 4:35:36 PM

Amendment No. 1

92 telephonic sales call or causes a telephonic sales call to be
93 made to intentionally alter the voice of the caller in an
94 attempt to disguise or conceal the identity of the caller in
95 order to defraud, confuse, or financially or otherwise injure
96 the recipient of a telephonic sales call or in order to obtain
97 personal information from the recipient of a telephonic sales
98 call which may be used in a fraudulent or unlawful manner.

99 Section 2. This act shall take effect July 1, 2021.

100 -----
101 -----

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

103 Remove everything before the enacting clause and insert:

104 A bill to be entitled

105 An act relating to telephone solicitation; amending s.
106 501.059, F.S.; prohibiting certain telephonic sales
107 calls without the prior express written consent of the
108 called party; providing definitions; providing
109 requirements for consent agreements; providing a
110 rebuttable presumption for telephonic sales calls made
111 to specified area codes; removing provisions
112 authorizing the use of certain automated telephone
113 dialing systems; providing an effective date.