



LEGISLATIVE ACTION

Senate

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House

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Floor: 1/F/2R

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02/23/2022 04:29 PM

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Senator Farmer moved the following:

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

Delete lines 20 - 53

and insert:

(a) "Automated system" means a computerized, a mechanical, or any other technological system or device that creates a telephone number, or stores or selects any telephone number from any database or list, and then causes that telephone number to be called. The term includes any system that the caller or any other person operates by click-to-call or that the caller or any other person or device selects telephone numbers from a list to



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12 call. The term does not include a caller manually selecting and  
13 calling telephone numbers using only a contact list or call log  
14 on a cellular, handheld, or landline device.

15 (h) ~~(g)~~ "Prior express written consent" means a written  
16 agreement that:

- 17 1. Bears the signature of the called party;
- 18 2. Clearly authorizes the person making or allowing the  
19 placement of a telephonic sales call by telephone call, text  
20 message, or voicemail transmission to deliver or cause to be  
21 delivered to the called party a telephonic sales call using an  
22 automated system for the selection and ~~or~~ dialing of telephone  
23 numbers, the playing of a recorded message when a connection is  
24 completed to a number called, the transmission of a text  
25 message, or the transmission of a prerecorded voicemail;

26 3. Includes the telephone number to which the signatory  
27 authorizes a telephonic sales call to be delivered; and

28 4. Includes a clear and conspicuous disclosure informing  
29 the called party that:

30 a. By executing the agreement, the called party authorizes  
31 the person making or allowing the placement of a telephonic  
32 sales call to deliver or cause to be delivered a telephonic  
33 sales call to the called party using an automated system for the  
34 selection and ~~or~~ dialing of telephone numbers, ~~or~~ the playing of  
35 a recorded message when a connection is completed to a number  
36 called, the transmission of a text message, or the transmission  
37 of a prerecorded voicemail; and

38 b. He or she is not required to directly or indirectly sign  
39 the written agreement or to agree to enter into such an  
40 agreement as a condition of purchasing any property, goods, or



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41 services.

42 (i)~~(h)~~ "Signature" includes an electronic or digital  
43 signature, including when such signature is made on agreements  
44 obtained by a compliant e-mail, website form, text message,  
45 telephone keypress, or voice recording, to the extent that such  
46 form of signature is recognized as a valid signature under  
47 applicable federal law or state contract law.

48 (l)~~(k)~~ "Unsolicited telephonic sales call" means a  
49 telephonic

50

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

52 And the directory clause is amended as follows:

53 Delete lines 14 - 17

54 and insert:

55 Section 1. Present paragraphs (a) through (l) of subsection  
56 (1) of section 501.059, Florida Statutes, are redesignated as  
57 paragraphs (b) through (m), respectively, a new paragraph (a) is  
58 added to subsection (1) and paragraph (e) is added to subsection  
59 (8) of that section, and paragraph (a) of subsection (8) and  
60 subsection (11) of that section are amended, to read:

61

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

63 And the title is amended as follows:

64 Delete line 3

65 and insert:

66 501.059, F.S.; defining the term "automated system"

67 and redefining terms; conforming a