

By Senator Hutson

7-01690-22

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1 A bill to be entitled
2 An act relating to telephone solicitation; amending s.
3 501.059, F.S.; revising the definitions of the terms
4 "prior express written consent" and "unsolicited
5 telephonic sales call"; revising the limitations on
6 making unsolicited telephonic sales calls; providing
7 an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraphs (g) and (k) of subsection (1) and
12 paragraph (a) of subsection (8) of section 501.059, Florida
13 Statutes, are amended to read:

14 501.059 Telephone solicitation.—

15 (1) As used in this section, the term:

16 (g) "Prior express written consent" means a written
17 agreement that:

18 1. Bears the signature of the called party;

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

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

29 4. Includes a clear and conspicuous disclosure informing

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30 the called party that:

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

42 (k) "Unsolicited telephonic sales call" means a telephonic
43 sales call other than a call made:

44 1. Within 120 days after ~~In response to~~ an express request
45 of the ~~person~~ called party;

46 2. Primarily in connection with an existing debt or
47 contract, if payment or performance of such debt or contract has
48 not been completed at the time of such call;

49 3. To a person with whom the telephone solicitor has a
50 prior or existing business relationship; or

51 4. By a newspaper publisher or his or her agent or employee
52 in connection with his or her business.

53 (8) (a) A person may not make or knowingly allow an
54 unsolicited ~~a~~ telephonic sales call to be made if such call
55 involves an automated system for the selection and ~~or~~ dialing of
56 telephone numbers or the playing of a recorded message when a
57 connection is completed to a number called without the prior
58 express written consent of the called party.

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Section 2. This act shall take effect upon becoming a law.