

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 588

INTRODUCER: Senators Leek and Gaetz

SUBJECT: Campaign Communications

DATE: February 28, 2025

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Cleary  | Roberts        | EE        | <b>Pre-meeting</b> |
| 2. |         |                | JU        |                    |
| 3. |         |                | RC        |                    |

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**I. Summary:**

SB 588 enables individuals to opt out of political texts and phone calls from particular callers by requesting the texts or phone calls to stop. The bill allows individuals to file an injunction to stop further communications in violation of the law and to recover attorney fees and costs.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Federal Law**

In 1991, Congress enacted the Telephone Consumer Protection Act (TCPA)<sup>1</sup> to combat unwarranted telephone marketing calls to cell phones and home phones by placing restrictions on the use of automated telephone-dialing system (ATDS), otherwise known as an autodialer or “robocalls.” The TCPA was Congress’ response to consumer outrage about receiving endless and harassing calls from telemarketers, using equipment that could automatically dial a telephone number and deliver an artificial or recorded message.<sup>2</sup> In enacting the TCPA, Congress found that banning robocalls was “the only effective means of protecting telephone consumers from the nuisance and privacy invasion.”<sup>3</sup>

In 1992, the Federal Communications Commission (FCC) adopted rules to implement the TCPA, creating the regulatory framework for campaign phone calls and general messaging rules. The TCPA prohibits almost all robocalls and robotexts to mobile phones, without prior consent.<sup>4</sup>

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<sup>1</sup> The Telephone Consumer Protection Act (TCPA) is codified at section 227 of the Communications Act of 1934, as amended. *See* 47 U.S.C. § 227.

<sup>2</sup> *See Barr v. American Association of Political Consultants, Inc.* 591 U.S. 610, 614-15 (2020).

<sup>3</sup> *Barr*, 591 U.S. at 615.

<sup>4</sup> *Barr*, 591 U.S. at 615.

To trigger the TCPA's prohibitions the caller or texter must be using an autodialer, defined as "equipment which has the capacity (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers."<sup>5</sup> Political campaign-related robocalls, generated through autodialing, to mobile phones are prohibited without the recipient person's prior consent.<sup>6</sup> Political robocalls to landlines are allowed without prior consent with exceptions.<sup>7</sup> Political robotexts, text messages generated from autodialing, sent to a mobile phone are prohibited without the texted person's prior consent.<sup>8</sup> Text messages, sent manually without the use of autodialing, can be sent without prior consent.<sup>9</sup>

For calls and texts that require consent, the caller must honor the called party's request to revoke consent.<sup>10</sup> The called party can revoke consent at any time and in any reasonable manner, such as replying "stop" to a text or asking not to be called again on a voice call.<sup>11</sup> However, where consent is contractually provided, as in the case in credit agreements, the parties can bargain to require mutuality or particular revocation methods.<sup>12</sup>

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<sup>5</sup> See 47 U.S.C. § 227(a)(1); *But See Facebook, Inc. v. Duguid*, 592, U.S. 395, 399, 141, S. Ct. 1163, 1167, 209 L. Ed. 2d 272 (2021) (The Supreme Court narrowed the definition of an "autodialer." The Court held that to qualify as an autodialer under the TCPA, the device must have the capacity to use a random or sequential number generator to store or produce numbers.).

<sup>6</sup> See 47 U.S.C. § 227(b); *See Political Campaign Robocalls and Robotexts Rules*, Federal Communications Commission Webpage (last visited February 25, 2025), <https://www.fcc.gov/rules-political-campaign-calls-and-texts>. (Political campaign-related autodialed or prerecorded voice calls, including autodialed live calls, and prerecorded voice messages, are prohibited to cell phones, pagers, or other mobile devices without the called party's prior express consent. The same restrictions apply to protected phone lines such as emergency or toll-free lines, or lines serving hospitals or similar facilities.).

<sup>7</sup> *Political Campaign Robocalls and Robotexts Rules*, Federal Communications Commission Consumer Guide (last Reviewed: 10/22/2024), <https://www.fcc.gov/sites/default/files/Political-Campaign-Robocalls-and-Robotexts-Rules-Consumer-Guide.pdf> (In addition, political robocalls made to residential landline phones without the prior consent of the called party are limited to no more than three calls within any consecutive 30-day period.).

<sup>8</sup> See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC rcd 14014, 14115, para. 165 (2003) (*2003 TCPA Order*); see also *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946 (9<sup>th</sup> Cir. 2009) (noting that text messaging is a form of communication used primarily between telephones and is therefore consistent with the definition of a "call").

<sup>9</sup> FCC Enforcement Advisory No. 2016-03, DA 16-264 (March 14, 2016) (Enforcement Advisory and FAQ) (In 2016, the FCC issued an Enforcement Advisory regarding the agency's TCPA robocall and text rules, which included an attachment addressing frequently asked questions (FAQ). The FAQ stated that "only manually placed text messages are permissible without prior express consent.").

<sup>10</sup> The National Law Review, *Consent and Revocation Under the TCPA*, (Mar. 21, 2023), <https://www.natlawreview.com/print/article/consent-and-revocation-under-tpa> (There are two types of prior consent provided for under the TCPA: 1) Prior Express consent is required to place autodialed, non-solicitation calls or texts to a cell phone; and, 2) Prior express written consent is a heightened form of consent, which must be evidenced by a written agreement signed by the call recipient, and is required to place autodialed telemarketing or advertising calls or texts to a cell phone. The written agreement must include a clear and conspicuous disclosure).

<sup>11</sup> *Political Campaign Robocalls and Robotexts Rules*, Federal Communications Commission Consumer Guide (last Reviewed: 10/22/2024), <https://www.fcc.gov/sites/default/files/Political-Campaign-Robocalls-and-Robotexts-Rules-Consumer-Guide.pdf>; See 47 U.S.C. § 227(b)(2)(E).

<sup>12</sup> See *Reyes v. Lincoln Auto. Fin. Servs.*, 861 F.3d 51, 53 (2d Cir. 2017) (held that a consumer may not unilaterally withdraw consent in a bargained-for, bilateral contract); *But see Ammons v. Ally Fin., Inc.*, Case No. 3:17-cv-00505, 2018 WL 3134619, at \*18 (M.D. Tenn. June 27, 2018) (court adopted general rule that consumer consent may be revoked at any time "by any reasonable means.").

The TCPA includes a private right of action.<sup>13</sup> A caller who places a call to a cell phone without consent using an ATDS is subject to \$500 in damages per call.<sup>14</sup> The damages amount is \$1,500 per call if the court finds that the defendant willfully or knowingly committed the violation.<sup>15</sup>

Further, the TCPA authorized the FCC to create a “single national database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations.”<sup>16</sup> In 2003, Congress created the Do-Not-Call Implementation Act, which directed the FCC to coordinate with the Federal Trade Commission (the “FTC”) to create a uniform do-not-call list.<sup>17</sup> The National Do Not Call Registry was established which covers all telemarketers (with the exception of certain nonprofit organizations) and applies to both interstate and intrastate calls.<sup>18</sup> The registry is administered by the FTC. As the National Do Not Call Registry has gained popularity, some states have decided to forgo the expense of maintaining their own do-not-call lists.<sup>19</sup>

Political organizations have been deemed exempt from the restrictions of the do-not-call list and its enforcement provisions because the law’s restrictions have been held to apply only to telemarketing calls made by or on behalf of sellers of goods or services.<sup>20</sup>

A new emerging issue is the rise of and use of artificial intelligence (AI) in telemarketing. The FCC recently declared that calls made with AI-generated voices are considered “artificial” under the TCPA, making voice cloning technology used in common robocall scams targeting consumers illegal in many cases.<sup>21</sup>

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<sup>13</sup> 47 U.S.C. § 227(b)(3).

<sup>14</sup> 47 U.S.C. § 227(b)(3)(B)-(C)

<sup>15</sup> *Id. see Barr*, 591 U.S. 616 (“The TCPA imposes tough penalties for violating the robocall restriction, private parties can sue to recover up to \$1,500 per violation or three times their actual monetary losses, which can add up quickly in a class action. § 227(b)(3). States may bring civil actions against robocallers on behalf of their citizens. § 227(g)(1). And the Federal Communications Commission can seek forfeiture penalties for willful or repeated violations of the statute. § 503(b).”).

<sup>16</sup> 47 U.S.C. § 227(c)(3); *See also Mainstream Mktg. Servs., Inc. v. F.T.C.*, 358 F.3d 1228, 1235 (10<sup>th</sup> cir. 2004) (noting that the TCPA “authorized the FCC to establish a national database of consumers who object to receiving ‘telephone solicitations,’ which the act defines as commercial sales calls.”).

<sup>17</sup> *See* 15 U.S.C. § 227(c)(3).

<sup>18</sup> Federal Trade Commission, *National Do Not Call Registry*, (last visited February 24, 2025), <https://www.donotcall.gov/>

<sup>19</sup> Currently, only 11 states maintain their own Do Not Call lists: Colorado, Florida, Indiana, Louisiana, Massachusetts, Missouri, Oklahoma, Pennsylvania, Texas, Tennessee, Wyoming.

<sup>20</sup> *See Cumunas v. Nat’l Republican Senatorial Comm.*, 570 F. Supp. 3d 288, 300-01 (E.D. Pa. 2021) (“Thus the legislative history supports the conclusion that the TCPA intended to exclude tax-exempt political organizations from the Do Not Call List); *See Mainstream Marketing Services, Inc. v. F.T.C.*, 358 F.3d 1128, 1234 (2004) (“[t]he national do-not-call registry’s restrictions apply only to telemarketing calls made by or on behalf of sellers of goods or services, and not to charitable or political fundraising calls.”); *See Libby v. Nat’l Republican Senatorial Comm.*, No. 5:21-cv-197, 551 F.Supp.3d 724, 729 (W.D. Tex. July 27, 2021) (dismissing a section 227(c) claim because “political organizations are exempt from the Do Not Call Registry”); *See The Do Not Call Registry*, Federal Trade Commission (last visited February 24, 2025), <https://www.ftc.gov/news-events/media-resources/do-not-call-registry> (The FTC’s website states: “There are some exemptions to the Do Not Call rules. Because of the limits to FTC’s authority, the Registry does not apply to political calls or calls from non-profits and charities (but the Registry does cover telemarketers calling on behalf of charities.”).

<sup>21</sup> *See FCC Makes AI-Generated Voices in Robocalls Illegal -State AGs Will Now Have New tools to Go After Voice Cloning Scams*, Federal Communications Commission Release (February 8, 2024), <https://docs.fcc.gov/public/attachments/DOC-400393A1.pdf>.

The Federal Election Commission (FEC) provides additional guidelines for political communications, including text messaging, and mandates that all political messages, regardless of medium, must include proper disclaimers.<sup>22</sup> This typically means identifying who paid for and authorized the message.<sup>23</sup> Failure to comply with these disclosure requirements can result in penalties.<sup>24</sup>

## Florida

The Florida Telemarketing Act (FTA) protects consumers from telemarketers' aggressive sales tactics and deceptive telemarketing practices.<sup>25</sup> Telemarketers in Florida must comply with very strict restrictions, including when they can call and what they must say when they call. There are certain entities that are generally exempt from the FTA, including a person soliciting for political purposes.<sup>26</sup>

Florida law allows candidates, persons, or organizations to contact voters by telephone call or text message regarding the support or opposition of a candidate, an elected public official, a ballot measure, and electioneering message, so long as the communication complies with the specific sponsorship disclaimer requirements for political advertisements,<sup>27</sup> independent expenditures,<sup>28</sup> and electioneering communications<sup>29</sup> under s. 106.147, F.S.<sup>30</sup>

<sup>22</sup> *Advertising and disclaimers*, Federal Election Commission Web Page (last visited February 24, 2025),

<https://www.fec.gov/help-candidates-and-committees/advertising-and-disclaimers/>; *See* 52 U.S.C. 30120; *See* 11 CFR 110.11

<sup>23</sup> *Id.* *See* L. Paige Whitaker, Campaign Finance Law: Disclosure and Disclaimer Requirements for Political Campaign Advertising, (Congressional Research Service) (December 30, 2019), <https://crsreports.congress.gov/product/pdf/IF/IF11398>.

<sup>24</sup> *Administrative Fines*, Federal Election Commission Web Page (last visited February 24, 2025), <https://www.fec.gov/legal-resources/enforcement/administrative-fines/>; *See* 52 U.S.C. §30104(a); *See* 11 CFR 111 Subpart B.

<sup>25</sup> Sections 501.601-501.626, F.S.

<sup>26</sup> *See* s. 501.604, F.S. (There are approximately 28 exemptions, including: soliciting for religious, charitable, *political* or educational purposes; research companies; newspapers; book and video clubs; cable television; and persons or companies with whom the consumer has a prior business relationship.). A person soliciting for political purposes are still required to comply with ss. 501.608(1)(b) (“[a]ny commercial telephone seller claiming to be exempt from the act under s. 501.604(2) . . . must file with the department a notarized affidavit of exemption) and s.501.616(6) and (7) (“(6) [c]ommercial telephone seller or salesperson may not make a commercial telephone solicitation phone call before 8 a.m. or after 9 p.m. local time at the called person’s location,” and “(7) [a] commercial telephone seller or salesperson making a commercial telephone solicitation call may not intentionally act to prevent transmission of the telephone solicitor’s name or telephone number to the party called when the equipment or service used by the telephone solicitor is capable of creating and transmitting the telephone solicitor’s name or telephone number.”).

<sup>27</sup> *See* 106.011(4) and (15), F.S. (A “political advertisement” is a paid expression in “communication media,” such as the *Internet* or a *telephone company*, which “*expressly advocates* the election or defeat of a candidate or the approval or rejection of an issue.”).

<sup>28</sup> *See* Section 106.011(12)(a), F.S. (An “independent expenditure” is a specific *type* or *subset* of a political advertisement, one where the expenditure is “not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee.”)

<sup>29</sup> *See* Section 106.011(8)(a), F.S. (An electioneering communication generally means a “communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone” that refers to a clearly-identifiable candidate *without expressly advocating* the election or defeat of any candidate, but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; Is made within 30 days before a primary or 60 days before a general election; and is targeted to the relevant electorate in the geographic area the candidate would represent if elected.).

<sup>30</sup> *See also Candidate and Campaign Treasure Handbook (2024 Election Cycle)* Florida Department of State Division of Elections (Rev. 9/2024), <https://files.floridados.gov/media/708868/candidate-and-campaign-treasurer-handbook-2024.pdf>. (Any telephone call or text message supporting or opposing a candidate, elected public official, or ballot proposal, and any electioneering text message or telephone call, must include the phrase “Paid for by,” followed by the name of the persons or

The disclaimer requirements do not apply in the following circumstances:<sup>31</sup>

- Any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.
- Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is part of a series of like telephone calls that consists in fewer than 1,000 completed calls and averages more than two minutes duration.
- Any text message that (i) is sent by an unpaid individual without the assistance of mass distribution technology or (ii) requires the recipient to sign up or opt in to receive it.

Current law prohibits any telephone calls or text messages from stating or implying that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.<sup>32</sup> Further, no telephone call or text message shall state or imply that the caller represents a nonexistent person or organization.<sup>33</sup>

Any telephone call or text message, not conducted by independent expenditure, supporting or opposing a candidate or ballot proposal, requires prior written authorization by the candidate or sponsor of the ballot proposal that the call or text message supports.<sup>34</sup>

Any person who willfully violates any provision of s. 106.147, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.<sup>35</sup>

Any person or organization conducting business in this state by making phone calls or sending text messages in support of or opposition to a candidate or elected official must designate and maintain a registered agent for at least 180 days after ceasing such activities. This registered agent must be available for service of process, notices, or legal demands as required by law and must be registered with the Division of Elections. Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or 775.083, F.S.<sup>36</sup>

### III. Effect of Proposed Changes:

SB 588 prohibits a candidate, person, or organization from texting or calling a voter regarding the support or opposition of a candidate, an elected public official, a ballot measure, and any electioneering message, if that voter indicates he or she does not consent to receive such communications.

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organizations sponsoring the call or message or, in the case of text message, a working hyperlink or a uniform resources locator (URL) to a website containing the required disclosure); *See* 106.147(1), F.S.

<sup>31</sup> Section 106.147(1)(e), F.S.

<sup>32</sup> Section 106.147(2)(a), F.S.

<sup>33</sup> Section 106.147(2)(b), F.S.

<sup>34</sup> Section 106.147(3), F.S. (further a copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot proposal prior to the time the calls or text messages commence).

<sup>35</sup> Section 106.147(4), F.S. (The term “person” includes any candidate; any officer of any political committee, affiliated party committee, or political party executive; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.).

<sup>36</sup> Section 106.1475(4), F.S.

Further, the bill provides the methods in which a voter may provide notice that he or she does not consent to such communications. For telephone calls, the voter provides notice by indicating on the call that he or she no longer wishes to receive such calls. For text messages, the voter provides notice by responding to the text message with “Stop.”

The bill authorizes a voter to bring an action in a court of competent jurisdiction to enjoin a violation. A voter who successfully enjoins the violation is entitled to reasonable attorney fees and costs.

The bill takes effect July 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill may be subject to future challenges on First Amendment grounds as impermissibly regulating political speech,<sup>37</sup> which is entitled to the highest degree of protection under the First Amendment.<sup>38</sup> Under strict scrutiny analysis, the government must demonstrate the restriction serves a compelling government interest and is the least

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<sup>37</sup> See *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 498-99 (1996) (First amendment analysis draws a distinction between restrictions placed on commercial speech and restrictions placed on other types of speech, including political expression. This distinction must be made because the state has more discretion in regulating commercial speech than other forms of protected speech); See *Fla. Bar. V. Went For It, Inc.*, 515 U.S. 618, 623-24 (1995) (an intermediate level of scrutiny is used to assess the validity of restrictions on commercial speech).

<sup>38</sup> See R. Sam Garrett and Kathleen Ann Ruane, *Automated Political Telephone Calls (“Robo Call”) in Federal Campaigns: Overview and Policy Options*, Congressional Research Service (Updated March 22, 2010), <https://crsreports.congress.gov/product/pdf/RL/RL34361/14>, citing *Eu v. San Francisco Democratic Cen. Com.*, 489 U.S. 214, 223 (1989) (holding that “the First Amendment has its fullest and most urgent application to speech uttered during a campaign for political office.”).

restrictive alternative to serve that interest.<sup>39</sup> The First Amendment “protects [a speaker’s] right not only to advocate their cause but also to select what they believe to be the most effective means for so doing.”<sup>40</sup> Governments, however, are permitted to place reasonable restrictions on the time, place, and manner of speech so long as they are content-neutral, narrowly tailored, and serve a significant government interest, and leave open ample alternative channels for communication of the information.<sup>41</sup>

Several cases in recent decades have challenged federal and state laws restricting or prohibiting the use of autodialers to make recorded calls. No simple rule has emerged from these cases, in which some laws have been struck down, but others have been upheld, for example:

- The Ninth Circuit has held that the provision in the TCPA banning automated, prerecorded calls to residences, is constitutional under the First Amendment.<sup>42</sup>
- The United States Supreme Court struck down an exception to the robocall restrictions of the TCPA,<sup>43</sup> which allowed robocalls to be made solely to collect a debt owed to the United States, because the law was content-based, favoring speech made for the purpose of collecting government debt over political and other speech, and the law could not survive strict scrutiny.<sup>44</sup>
- The Ninth Circuit struck down Montana’s robocall law,<sup>45</sup> which restricts automated telephone calls promoting a political campaign or any use related to a political campaign, for violating the First Amendment.<sup>46</sup>
- The Seventh Circuit upheld an Indiana anti-robocall law,<sup>47</sup> ruling that that statute did not discriminate by content and instead regulated who may be called, as opposed to the content of the message.<sup>48</sup>

<sup>39</sup> *See Id., citing McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 347 (1995) (“When a law burdens core political speech, we apply ‘exacting scrutiny,’ and we uphold the restriction only if it is narrowly tailored to serve an overriding state interest.”).

<sup>40</sup> *See Id., citing Meyer v. Grant*, 486 U.S. 414, 424 (1988) (Supreme Court struck down state law that prohibited the use of paid workers to obtain signature on voter-initiative petitions as an impermissible burden on political speech).

<sup>41</sup> *See Id., citing Burson v. Freeman*, 504 U.S. 191, (1991). Laws that “do not foreclose an entire medium of expression, but merely shift the time, place or manner of its use” likely will be upheld so long as “ample alternative channels for communication” are left open. Restrictions, such as, the use of automated telephone dialers or prerecorded messages that apply only to political calls can be argued are a content-based restriction on speech, which would require the application of strict scrutiny. But content-based discrimination could be avoided if the restriction encompassed all speech that utilized a particular technology.

<sup>42</sup> *Moser v. F.C.C.*, 46 F.3d 970, 975 (9<sup>th</sup> Cir. 1995).

<sup>43</sup> 47 U. S. C. §227(b)(1)(A)(iii).

<sup>44</sup> *Barr*, 591 U.S. 610, 614 (2020) (The court invalidated the government-debt exception and applied traditional severability principles to sever it from the robocall restriction).

<sup>45</sup> *See Montana Code s. 45-8216(1)*

<sup>46</sup> *Victory Processing, LLC v. Fox*, 937 F.3d 1218, 1223 (9<sup>th</sup> Cir. 2019).

<sup>47</sup> Ind. Code s. 24-5-14-(5)(a)(b) (The statute prohibited robocalls unless the subscriber requested, consented to, permitted, or authorized receipt of the message or the message was immediately preceded by a live operator who obtained the subscriber’s consent. The statute provided 3 exceptions: (1) Messages from school districts to students, parents, or employees, (2) Messages to subscribers with whom the caller has a current business or personal relationship, (3) Messages advising employees of work schedules.).

<sup>48</sup> *Patriotic Veterans, Inc. V. Zoeller*, 845 F. 3d 303, 305 (7<sup>th</sup> Cir. 2017) (The court found nothing in the statute, including the exceptions, that disfavored political speech, rather the statute, as a whole, disfavored cold calls, calls from strangers, and that the statute’s exceptions, likewise, depended on the relation between the caller and the recipient, not on what the caller proposes to say. The exceptions collectively concerned who may be called not what may be said, and therefore did not

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Candidates, individuals, or political organizations may have an indeterminate increase in cost in creating, managing, and maintaining an internal list of callers who provide notice not to be called. Further, there may be an increase in costs associated with penalties implemented due to violations and an increase in costs associated with defending against alleged violations in court.

**C. Government Sector Impact:**

There may be an increase in the number of cases to local courts' dockets as more plaintiffs may bring actions to enjoin violations under the law. This may increase court costs to handle the increased number of cases to the docket. But currently, such potential impact is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 106.147, Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

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establish content discrimination.); *See also Van Begen v. Minnesota*, 59 F.3d 1541, 1551 (8<sup>th</sup> Cir. 1995) (Eighth Circuit upheld a Minnesota Statute, MINN. STAT. ANN. ss. 325E.26 to .31, that prohibits all robocalls except in instances where the caller and the recipient have prior relationship, business or otherwise. The statute explicitly stated that the restriction applies to “any call, regardless of its content.” It also does not limit the restriction to calls made for a particular purpose, though it does allow a recorded message to be played if it is preceded by a live operator who receives consent to play the message); *See also Bland v. Fessler*, 88 F.3d 729, 732-36 (9<sup>th</sup> Cr. 1996) (The Ninth Circuit upheld a California statute, Cal. Pub. Util. Code s. 2874(a), that is very similar to Minnesota anti robocall statute in that it targets all robocalls without reference to the purpose or content of the call.).



B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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