

CHAPTER 2014-75

Committee Substitute for Committee Substitute for Senate Bill No. 450

An act relating to telephone solicitation; reordering and amending s. 501.059, F.S.; redefining the term “telephonic sales call”; prohibiting a telephone solicitor from transmitting certain text messages to a consumer if the consumer is on the “no sales solicitation calls” list maintained by the Department of Agriculture and Consumer Services or if the consumer has previously communicated such a request to the telephone solicitor; providing appropriations and authorizing positions; providing an effective date.

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

Section 1. Subsection (1) of section 501.059, Florida Statutes, is reordere d and amended, and subsection (5) of that section is amended, to read:

501.059 Telephone solicitation.—

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

(g)(a) “Telephonic sales call” means a telephone call or text message call ~~made by a telephone solicitor~~ to a consumer, for the purpose of soliciting a sale of any consumer goods or services, ~~or for the purpose of soliciting an extension of credit for consumer goods or services, or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.~~

(b) “Consumer goods or services” means ~~any~~ real property or ~~any~~ tangible or intangible personal property that ~~which~~ is normally used for personal, family, or household purposes, including, but not limited to without limitation, any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed, as well as cemetery lots and timeshare estates, and any services related to such property.

(h)(e) “Unsolicited telephonic sales call” means a telephonic sales call other than a call made:

1. In response to an express request of the person called;
2. Primarily in connection with an existing debt or contract, if ~~if~~ payment or performance of such debt or contract ~~which~~ has not been completed at the time of such call;
3. To a ~~any~~ person with whom the telephone solicitor has a prior or existing business relationship; or

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

~~(f)~~(d) "Telephone solicitor" means a ~~any~~ natural person, firm, organization, partnership, association, or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephonic sales call, including, but not limited to, calls made by use of automated dialing or recorded message devices.

~~(a)~~(e) "Consumer" means an actual or prospective purchaser, lessee, or recipient of consumer goods or services.

~~(e)~~(f) "Merchant" means a person who, directly or indirectly, offers or makes available to consumers any consumer goods or services.

~~(d)~~(g) "Doing business in this state" ~~means refers to~~ businesses ~~that who~~ conduct telephonic sales calls from a location in Florida or from other states or nations to consumers located in Florida.

~~(c)~~(h) "Department" means the Department of Agriculture and Consumer Services.

(5) A telephone solicitor may not initiate an outbound telephone call or text message to a consumer who has previously communicated to the telephone solicitor that he or she does not wish to receive an outbound telephone call or text message:

(a) Made by or on behalf of the seller whose goods or services are being offered; or

(b) Made on behalf of a charitable organization for which a charitable contribution is being solicited.

Section 2. For the 2014-2015 fiscal year, the sums of \$54,908 in recurring funds and \$8,773 in nonrecurring funds are appropriated from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services, and one full-time equivalent position with associated salary rate of 32,386 is authorized, for the purpose of implementing this act.

Section 3. This act shall take effect July 1, 2014.

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.