

1 A bill to be entitled
 2 An act relating to telephone solicitation; amending s.
 3 501.059, F.S.; providing and revising definitions;
 4 prohibiting certain telephonic sales calls; providing
 5 retroactive applicability; providing an effective
 6 date.

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

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 10 Section 1. Paragraphs (a) through (l) of subsection (1) of
 11 section 501.059, Florida Statutes, are redesignated as
 12 paragraphs (b) through (m), respectively, a new paragraph (a) is
 13 added to that subsection, present paragraphs (g) and (h) of that
 14 subsection are amended, and paragraph (a) of subsection (8) of
 15 that section is amended to read:

16 501.059 Telephone solicitation.—

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

18 (a) "Automatic telephone dialing system" means equipment
 19 using a random or sequential number generator that:

- 20 1. Stores or produces telephone numbers; and
 21 2. Dials the stored or produced telephone numbers.

22 ~~(h)-(g)~~ "Prior express written consent" means a written
 23 agreement that:

- 24 1. Bears the signature of the called party;
 25 2. Clearly authorizes the person making or allowing the

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26 placement of a telephonic sales call by telephone call, text
27 message, or voicemail transmission to deliver or cause to be
28 delivered to the called party a telephonic sales call using an
29 automatic telephone dialing ~~automated~~ system for the selection
30 and ~~or~~ dialing of telephone numbers, the playing of a recorded
31 message when a connection is completed to a number called, or
32 the transmission of a prerecorded voicemail;

33 3. Includes the telephone number to which the called party
34 ~~signatory~~ authorizes a telephonic sales call to be delivered;
35 and

36 4. Includes a clear and conspicuous disclosure informing
37 the called party that:

38 a. By executing the agreement, the called party authorizes
39 the person making or allowing ~~the placement of~~ a telephonic
40 sales call to be made by telephone call, text message, or
41 voicemail transmission to deliver or cause to be delivered ~~a~~
42 ~~telephonic sales call~~ to the called party a telephonic sales
43 call using an automatic telephone dialing ~~automated~~ system for
44 the selection and ~~or~~ dialing of telephone numbers, if
45 applicable, ~~or~~ the playing of a recorded message when a
46 connection is completed to a number called, or the transmission
47 of a prerecorded voicemail; and

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

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51 services.

52 (i)~~(h)~~ "Signature" includes an act or electronic or
53 digital signature, to the extent that the act demonstrates
54 express consent or the ~~such form of~~ signature is recognized as a
55 valid signature under applicable federal law or state contract
56 law.

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

64 Section 2. The amendments made by this act are remedial in
65 nature and apply retroactively to July 1, 2021, and to any
66 proceeding pending or commenced on or after July 1, 2021.

67 Section 3. This act shall take effect July 1, 2023.