Florida House of Representatives - 1999 By Representative Bilirakis

A bill to be entitled 1 2 An act relating to telephone solicitation; 3 amending s. 501.059, F.S.; prohibiting unsolicited telephone sales calls without 4 5 caller identification information; specifying actions which constitute violation of the act; 6 7 providing that violation constitutes a 8 deceptive and unfair trade practice; providing 9 a penalty; providing an effective date. 10 11 Be It Enacted by the Legislature of the State of Florida: 12 13 Section 1. Subsections (8) through (10) of section 14 501.059, Florida Statutes, are renumbered as subsections (9) 15 through (11), respectively, and a new subsection (8) is added 16 to said section to read: 501.059 Telephone solicitation.--17 18 (8)(a) It is the intent of the Legislature to protect 19 consumers from unwanted telephone solicitation and afford 20 consumers all possible information regarding the identity of any telephone solicitor who may place a call to a consumer. No 21 22 telephone solicitor shall make or cause to be made any unsolicited telephonic sales call to any residential, mobile, 23 or telephonic paging device telephone number unless all 24 25 possible caller identification information is provided to the 26 intended recipient. The following actions constitute a knowing 27 violation of this subsection: 28 1. Disabling a telephone system's caller 29 identification generator. 30 Providing a false or fictitious telephone number. 2. 31

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1 3. Using telephone equipment that is incapable of 2 providing caller identification information. 3 Using a telephone carrier that is incapable of 4. 4 transmitting caller identification information to the intended 5 recipient of the telephone solicitation. (b) A knowing violation of this subsection shall be 6 7 deemed to be a deceptive and unfair trade practice within the 8 meaning of part II of this chapter. Violators shall be subject 9 to the penalties and remedies provided therein. 10 (c) A telephone solicitor who knowingly violates the 11 provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 12 13 775.083. Section 2. This act shall take effect upon becoming a 14 15 law. 16 17 18 HOUSE SUMMARY 19 Provides legislative intent with respect to providing consumers with all possible information regarding the identity of any telephone solicitor via caller identification systems. Prohibits telephone solicitors from making unsolicited telephonic sales calls to any residential mobile or telephonic paging device 20 21 residential, mobile, or telephonic sales calls to any residential, mobile, or telephonic paging device telephone number unless all possible caller identification information is provided. Provides actions which constitute a knowing violation of the act. Provides that violation of the act constitutes a deceptive and unfair trade practice. Provides a first degree 22 23 24 25 misdemeanor penalty. 26 27 28 29 30 31 2

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