



630160

LEGISLATIVE ACTION

Senate

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House

The Committee on Commerce and Tourism (Young) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 35 and 36

insert:

(8)

(c) It shall be unlawful for any person who makes a telephonic sales call or causes a telephonic sales call to be made to fail to transmit or cause not to be transmitted the telephone number and, when made available by the telephone solicitor's carrier, the name of the telephone solicitor to any



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11 caller identification service in use by a recipient of a
12 telephonic sales call. However, it shall not be a violation to
13 substitute, for the name and telephone number used in or billed
14 for making the call, the name of the seller on behalf of which a
15 telephonic sales call is placed and the seller's customer
16 service telephone number, which is answered during regular
17 business hours. If a telephone number is made available through
18 a caller identification service as a result of a telephone sales
19 call, that telephone number must be capable of receiving phone
20 calls and must connect the original call recipient, upon calling
21 such number, to the telephone solicitor or to the seller on
22 behalf of which a telephonic sales call was placed. For purposes
23 of this section, the term "caller identification service" means
24 a service that allows a telephone subscriber to have the
25 telephone number and, where available, the name of the calling
26 party transmitted contemporaneously with the telephone call and
27 displayed on a device in or connected to the subscriber's
28 telephone.

29 (9) (a) The department shall investigate any complaints
30 received concerning violations of this section. If, after
31 investigating a complaint, the department finds that there has
32 been a violation of this section, the department or the
33 Department of Legal Affairs may bring an action to impose a
34 civil penalty and to seek other relief, including injunctive
35 relief, as the court deems appropriate against the telephone
36 solicitor. The civil penalty shall be in the Class IV ~~III~~
37 category pursuant to s. 570.971 for each violation and shall be
38 deposited in the General Inspection Trust Fund if the action or
39 proceeding was brought by the department, or the Legal Affairs



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40 Revolving Trust Fund if the action or proceeding was brought by
41 the Department of Legal Affairs. This civil penalty may be
42 recovered in any action brought under this part by the
43 department, or the department may terminate any investigation or
44 action upon agreement by the person to pay a stipulated civil
45 penalty. The department or the court may waive any civil penalty
46 if the person has previously made full restitution or
47 reimbursement or has paid actual damages to the consumers who
48 have been injured by the violation.

49 (b) The department may, as an alternative to the civil
50 penalties provided in paragraph (a), impose an administrative
51 fine in the Class III ± category pursuant to s. 570.971 for each
52 act or omission that constitutes a violation of this section. An
53 administrative proceeding that could result in the entry of an
54 order imposing an administrative penalty must be conducted
55 pursuant to chapter 120.

56

57 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

58 And the directory clause is amended as follows:

59 Delete lines 13 - 14

60 and insert:

61 Section 1. Paragraph (g) of subsection (1), subsection (5),
62 paragraph (c) of subsection (8), and subsection (9) of section
63 501.059, Florida Statutes, are amended to read:

64

65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line 9

68 and insert:



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69 for donations; requiring that if a telephone number is
70 available through a caller identification system, that
71 telephone number must be capable of receiving calls
72 and must connect the original call recipient to the
73 solicitor; revising penalties; providing an effective
74 date.