



421130

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Farmer moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 20 - 53

and insert:

(a) "Automated system" means a computerized, a mechanical, or any other technological system or device that creates a telephone number, or stores or selects any telephone number from any database or list, and then causes that telephone number to be called. The term includes any system that the caller or any other person operates by click-to-call or that the caller or any other person or device selects telephone numbers from a list to



421130

12 call. The term does not include a caller manually selecting and
13 calling telephone numbers using only a contact list or call log
14 on a cellular, handheld, or landline device.

15 (h) ~~(g)~~ "Prior express written consent" means a written
16 agreement that:

17 1. Bears the signature of the called party;

18 2. Clearly authorizes the person making or allowing the
19 placement of a telephonic sales call by telephone call, text
20 message, or voicemail transmission to deliver or cause to be
21 delivered to the called party a telephonic sales call using an
22 automated system for the selection and ~~or~~ dialing of telephone
23 numbers, the playing of a recorded message when a connection is
24 completed to a number called, the transmission of a text
25 message, or the transmission of a prerecorded voicemail;

26 3. Includes the telephone number to which the signatory
27 authorizes a telephonic sales call to be delivered; and

28 4. Includes a clear and conspicuous disclosure informing
29 the called party that:

30 a. By executing the agreement, the called party authorizes
31 the person making or allowing the placement of a telephonic
32 sales call to deliver or cause to be delivered a telephonic
33 sales call to the called party using an automated system for the
34 selection and ~~or~~ dialing of telephone numbers, ~~or~~ the playing of
35 a recorded message when a connection is completed to a number
36 called, the transmission of a text message, or the transmission
37 of a prerecorded voicemail; and

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



421130

41 services.

42 (i)~~(h)~~ "Signature" includes an electronic or digital
43 signature, including when such signature is made on agreements
44 obtained by a compliant e-mail, website form, text message,
45 telephone keypress, or voice recording, to the extent that such
46 form of signature is recognized as a valid signature under
47 applicable federal law or state contract law.

48 (l)~~(k)~~ "Unsolicited telephonic sales call" means a
49 telephonic

50

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

52 And the directory clause is amended as follows:

53 Delete lines 14 - 17

54 and insert:

55 Section 1. Present paragraphs (a) through (l) of subsection
56 (1) of section 501.059, Florida Statutes, are redesignated as
57 paragraphs (b) through (m), respectively, a new paragraph (a) is
58 added to subsection (1) and paragraph (e) is added to subsection
59 (8) of that section, and paragraph (a) of subsection (8) and
60 subsection (11) of that section are amended, to read:

61

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

63 And the title is amended as follows:

64 Delete line 3

65 and insert:

66 501.059, F.S.; defining the term "automated system"

67 and redefining terms; conforming a