



896012

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete lines 48 - 71

and insert:

under applicable federal law or state contract law; or

2. An act that demonstrates express consent, including, but not limited to, checking a box indicating consent or responding affirmatively to receiving text messages, to an advertising campaign, or to an e-mail solicitation.

(8) (a) A person may not make or knowingly allow to be made an unsolicited ~~a~~ telephonic sales call ~~to be made~~ if such call



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12 involves an automated system for the selection and ~~or~~ dialing of
13 telephone numbers or the playing of a recorded message when a
14 connection is completed to a number called without the prior
15 express written consent of the called party.

16 (10)

17 (c) Before the commencement of any action for damages under
18 this section for text message solicitations, the called party
19 must notify the telephone solicitor that the called party does
20 not wish to receive text messages from the telephone solicitor
21 by replying "STOP" to the number from which the called party
22 received text messages from the telephone solicitor. Within 15
23 days after receipt of such notice, the telephone solicitor shall
24 cease sending text message solicitations to the called party
25 thereafter, except that the telephone solicitor may send the
26 called party a text message to confirm receipt of the notice.
27 The called party may bring an action under this section only if
28 the called party does not consent to receive text messages from
29 the telephone solicitor and the telephone solicitor continues to
30 send text messages to the called party 15 days after the called
31 party provided notice to the telephone solicitor to cease such
32 text messages.

33 Section 2. The amendments made by this act to s. 501.059,
34 Florida Statutes, apply to any suit filed on or after the
35 effective date of this act and to any putative class action not
36 certified on or before the effective date of this act.

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete lines 5 - 6



41 and insert:
42 under which civil actions may be brought for text
43 message solicitations; providing applicability;
44 providing an effective date.