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Florida Legislature Passes Amendments to the FTSA

On May 2, the Florida Legislature passed amendments that would substantially alter the Florida Telephone Solicitation Act (FTSA) by narrowing the scope of the FTSA as well as creating additional obligations for consumers seeking relief under the act. Among other changes, the proposed amendments would (1) limit the definition of what constitutes an autodialer by requiring a platform to both automatically select *and* dial numbers to trigger liability, (2) allow calls and messages to consumers with whom the solicitor has an established business relationship or in response to an inquiry, (3) require consumers who receive a text message in violation of the FTSA to reply "STOP" prior to filing suit, and (4) provide text message solicitors a 15-day safe harbor period after receiving a "STOP" message.

These proposed changes would be retroactive for all uncertified FTSA class actions but not for individual claims. If signed by Gov. Ron DeSantis, these amendments will take immediate effect and will not only change the requirements for individuals pursuing FTSA claims, but will also have a potentially significant impact on pending FTSA class actions. Companies engaged in telephone solicitation in the state of Florida should pay close attention to these potential amendments and continue to ensure that their telemarketing activities strictly comply with the FTSA as well as its federal counterpart, the Telephone Consumer Protection Act.

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