

Bill No. CS for SB 80

Barcode 555040

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Aronberg) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Any agency, as defined in s. 119.011, Florida Statutes, or legislative entity that operates a website and uses electronic mail shall post the following statement in a conspicuous location on its website:

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Section 2. Subsection (2) of section 668.606, Florida Statutes, is amended to read:

668.606 Civil remedies; service provider immunity.--

Bill No. CS for SB 80

Barcode 555040

1 (2) This part does not create a cause of action or
 2 provide for criminal charges against an interactive computer
 3 service, customer premise equipment provider, communications
 4 service provider ~~telephone company~~, or cable provider whose
 5 equipment is used to transport, handle, or retransmit a
 6 commercial electronic mail message that violates s. 668.603.

7 Section 3. Section 668.6075, Florida Statutes, is
 8 amended, and subsection (2) of that section is renumbered as
 9 section 668.610, Florida Statutes, and amended to read:

10 668.6075 Unfair and deceptive trade practices
 11 ~~Violations of s. 668.603.--~~

12 ~~(1)~~ A violation of s. 668.603 shall be deemed an
 13 unfair and deceptive trade practice within the meaning of part
 14 II of chapter 501. In addition to any remedies or penalties
 15 set forth in that part, a violator shall be subject to the
 16 penalties and remedies provided for in this part.

17 668.610 Cumulative remedies.--

18 ~~(2)~~ The remedies and criminal penalties of this part
 19 are in addition to remedies and criminal penalties otherwise
 20 available for the same conduct under federal or state law.

21 Section 4. Section 668.608, Florida Statutes, is
 22 created to read:

23 668.608 Criminal violations.--

24 (1) Except as provided in subsection (2), any person
 25 who violates s. 668.603 commits a misdemeanor of the first
 26 degree, punishable as provided in s. 775.082 or s. 775.083.

27 (2) Any person who violates s. 668.603 commits a
 28 felony of the third degree, punishable as provided in s.
 29 775.082, s. 775.083, or s. 775.084, if:

30 (a) The volume of commercial electronic mail messages
 31 transmitted by the person exceeds 2,500 attempted recipients

Bill No. CS for SB 80

Barcode 555040

1 in any 24-hour period;

2 (b) The volume of commercial electronic mail messages
3 transmitted by the person exceeds 25,000 attempted recipients
4 in any 30-day period;

5 (c) The volume of commercial electronic mail messages
6 transmitted by the person exceeds 250,000 attempted recipients
7 in any 1-year period;

8 (d) The revenue generated from a specific commercial
9 electronic mail message transmitted by the person exceeds
10 \$1,000;

11 (e) The total revenue generated from all commercial
12 electronic mail messages transmitted by the person to any
13 electronic mail message service provider or its subscribers
14 exceeds \$50,000;

15 (f) The person knowingly hires, employs, uses, or
16 permits any minor to assist in the transmission of a
17 commercial electronic mail message in violation of s. 668.603;
18 or

19 (g) The person commits a violation otherwise
20 punishable under subsection (1) within a 5-year period after a
21 previous conviction under this section.

22 Section 5. This act shall take effect July 1, 2006,
23 and shall apply to violations committed on or after that date.

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

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29

30 and insert:

31 A bill to be entitled

Bill No. CS for SB 80

Barcode 555040

1 An act relating to electronic mail; requiring
2 certain governmental entities to post a notice
3 on their websites that electronic mail
4 addresses sent to them are subject to release
5 to the public; amending s. 668.606, F.S.;
6 providing an exemption from criminal liability
7 for certain carriers whose equipment transmits
8 commercial electronic mail messages that
9 violate s. 668.603, F.S., which prohibits
10 specified actions relating to transmission of
11 false or misleading unsolicited commercial
12 electronic mail messages; amending s. 668.6075,
13 F.S., and renumbering and amending subsection
14 (2) thereof as s. 668.610, F.S.; providing that
15 remedies and penalties under the Electronic
16 Mail Communications Act are cumulative;
17 creating s. 668.608, F.S.; providing criminal
18 penalties for violations of s. 668.603, F.S.,
19 which prohibits specified actions relating to
20 transmission of false or misleading unsolicited
21 commercial electronic mail messages; providing
22 applicability; providing an effective date.

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