



TEXT, CALL, AND MARKET - THE RIGHT WAY!

**THE TELEPHONE CONSUMER
PROTECTION ACT (“TCPA”) & THE
FLORIDA TELEPHONE SOLICITATION ACT
(“FTSA”), AKA FLORIDA’S “MINI-TCPA”
EXPLAINED.**

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FIRST - CHECK THE NATIONAL AND FLORIDA “DO NOT CALL” REGISTRIES!

Generally, you cannot call individuals on the “Do Not Call Registry” to solicit sales or purchases.

You can check if a phone number is on the National “Do Not Call” Registry for free by visiting [DoNotCall.gov](https://www.donotcall.gov).

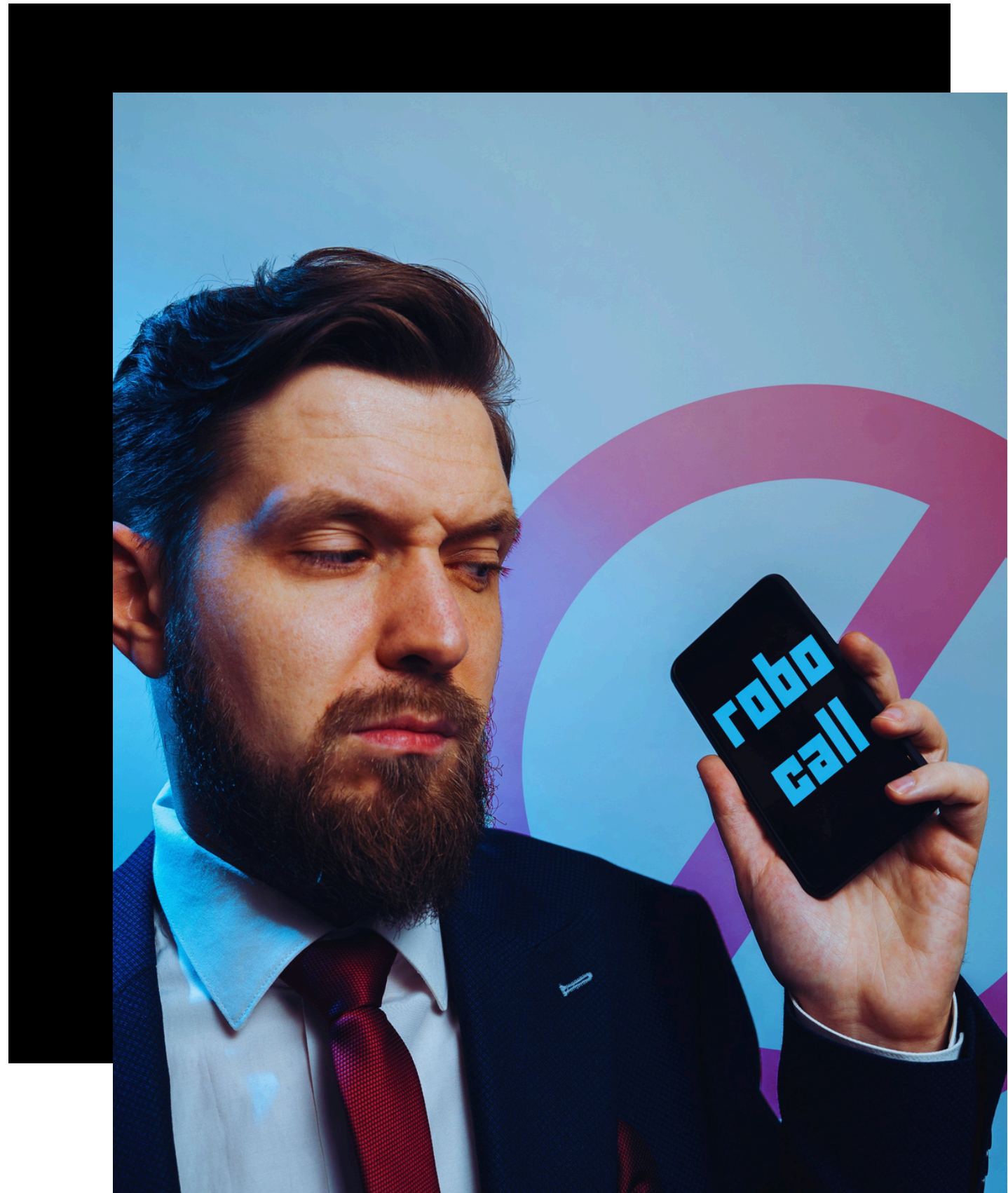
Florida’s DNC List can be purchased online at the [Florida Department of Agriculture and Consumer Services e-Gov Service Center](#) or you can request it via a [mail order form](#).





EXCEPTIONS:

- When you have prior express written consent from the consumer giving your business permission to call.
- When there is a pre-existing business relationship, you may call past clients on the DNC list for up to 18 months after the last purchase, rental, or lease.
- If it is beyond 18 months, you must obtain written consent to continue communication.



Don't get sued and/or fined for TCPA violations.

Telephone Consumer Protection Act ("TCPA") is a federal law

Businesses must obtain "prior express written consent" before:

- placing telemarketing calls using an autodialer**
- sending text messages using an auto dialer**
- making calls using an artificial, prerecorded, or AI voice**



What is an auto-dialer?

**EQUIPMENT WHICH HAS THE CAPACITY
TO:**

- **STORE TELEPHONE NUMBERS USING A RANDOM OR SEQUENTIAL NUMBER GENERATOR**
- **PRODUCE TELEPHONE NUMBERS USING A RANDOM OR SEQUENTIAL NUMBER GENERATOR**

➔ AND DIAL SUCH NUMBERS

TCPA'S NEW CONSENT REVOCATION RULE EFFECTIVE 4.11.2025

BUSINESSES MUST
COMPLY WITH
CONSUMER'S
REVOCATION WITHIN
10 BUSINESS DAYS

- Consumers must be able to revoke consent in any reasonable manner and
- Businesses must provide consumers with sample methods to revoke consent (for example, sending a message to stop, opt-out, or quit).



FLORIDA TELEPHONE SOLICITATION ACT ("FTSA")

MORE RESTRICTIVE THAN THE TCPA IN CERTAIN AREAS.

APPLIES TO UNSOLICITED TELEPHONE SALES CALLS INVOLVING AN AUTOMATED SYSTEM FOR THE SELECTION AND DIALING OF TELEPHONE NUMBERS.

FTSA REQUIREMENTS

BUSINESSES MUST OBTAIN PRIOR “EXPRESS WRITTEN CONSENT” FROM THE RECIPIENT BEFORE ANY SALES CALLS, TEXT MESSAGES, OR VOICEMAILS CAN BE TRANSMITTED THROUGH AN AUTOMATED DIALING SYSTEM OR PRERECORDED MESSAGES.



WHAT IS AN **AUTOMATED DIALING SYSTEM** UNDER THE FTSA?

AN **AUTOMATED** SYSTEM MUST **SELECT AND DIAL** TELEPHONE NUMBERS.

FTSA IS **MORE RESTRICTIVE** THAN THE TCPA. UNDER THE FTSA AN AUTODIALER IS NOT LIMITED TO SYSTEMS THAT RANDOMLY OR SEQUENTIALLY GENERATE TELEPHONE NUMBERS.



A hand holding a pen is positioned over a document with legal text. The document includes fields for 'State', 'Phone', and 'Date', and contains clauses about legal representation, release, and assignment of rights. The background is a solid blue color.

PRIOR “EXPRESS WRITTEN CONSENT”

REQUIRES THE **SIGNATURE** OF THE CALLED PARTY.

- A SIGNATURE INCLUDES CHECKING A BOX INDICATING CONSENT OR RESPONDING AFFIRMATIVELY TO RECEIVING TEXT MESSAGES TO AN ADVERTISING CAMPAIGN OR TO AN EMAIL SOLICITATION
- MUST NOT BE A REQUIREMENT TO DOING BUSINESS.

WHAT YOU NEED TO KNOW ABOUT THE FTSA

If you call/text a Florida area code, the law presumes you are contacting a Florida resident or someone physically in the state regardless of the individual's location or actual residence.

Call window is 8 a.m. to 8 p.m. local time within the recipient's time zone (Florida encompasses eastern and central time zones).

No more than 3 calls to be made to the same person within 24 hours even if the business calls or texts from different numbers.

Must offer a stop reply option for the recipient to opt-out and provides a 15-day grace period. As of 4-11-25, TCPA, only gives 10 business days to stop. Keep a log of opt-outs.

CONTINUED: WHAT YOU NEED TO KNOW ABOUT FTSA



Marketers are prohibited from intentionally hiding their identity or number. They cannot use technology that changes how the caller's name or number appears.



Requires telemarketers to disclose the name of the person calling, the name of the business, and the telephone number or address.

BEST PRACTICES TO COMPLY WITH THE TCPA AND THE FTSA

- Check the Do-Not-Call National and Florida Registry which applies to all telemarketing calls, regardless of the technology used to make the call. Exceptions apply if you have established a prior business relationship or specific consent.
- Manual dialing for “cold calls” is okay as long as the consumer is not on the Do-Not-Call registry. Check the National and Florida Do-Not-Call registry every 30 days.
- Before using an automated telephone dialing system or sending a pre-recorded or artificial voice message, a business must obtain prior express written consent from the consumer. Keep records of the consumer’s consent!
- Offer consumers an easy way to opt out of receiving calls and/or text messages and make sure you clearly tell them that they can opt out and how to do so. For example, letting consumer’s know they can opt out by responding “stop” or “quit.”
- Immediately address opt out requests and avoid delays in stopping communication. As of 4-11-2025, under the TCPA, businesses will only have 10 business days to comply with consent revocation.



Continuation of BEST PRACTICES to protect your business...



- Check to ensure that third-party vendors providing phone numbers or automation services warrant compliance with the TCPA and FTSA, and that they indemnify your business in your agreements.
- Create and enforce a TCPA/FTSA/Do Not Call Registry policy, train staff on the policy, and ensure that the policy is adhered to.
- Maintain an accurate log of consumers who provide consent and consumers who opt out.



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