

STATE TELEMARKETING LAWS

Florida

Telemarketing and Robocall Laws

Statutes, rules, and how they differ from the TCPA



By Adam Young and Harrison Gevirtz

<https://tcpa.com/state-telemarketing-laws/florida/>

01. Florida Telephone Solicitation Act

FLA. STAT. § 501.059

Covers sales calls, texts and voicemail: a state do-not-call list, internal opt-outs, consent for automated or recorded calls, and a private right of action.

02. Florida Telemarketing Act

FLA. STAT. § 501.601 AND FOLLOWING

Licensing and \$50,000 security for commercial telephone sellers, calls only from 8 a.m. to 8 p.m., and no more than three calls in 24 hours on one subject (§ 501.616).

AT A GLANCE

Florida at a glance

WHY FLORIDA MATTERS

Under the FTSA, a called party can sue for \$500 per violation, up to triple if willful or knowing, and the prevailing party recovers attorney fees. A 2021 change to the Telemarketing Act set the 8 p.m. cutoff and the three-call cap. The 2023 amendments narrowed the FTSA.



Who and what is covered

The FTSA governs any "telephonic sales call": a call, text message or voicemail transmission to a consumer to solicit a sale or credit for consumer goods or services.

Calls to Florida area codes

A call to any Florida area code is presumed to reach a Florida resident or a person in Florida. The caller can rebut that presumption.

Aa. **Callers**

Any business calling Florida consumers, from inside Florida or from another state.

Bb. **Exceptions**

Express request, open debt or contract, prior business relationship, newspaper publisher.

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Cc. **Sellers**

Telemarketing Act. Even exempt sellers follow its hours, call cap and caller ID rules.





Consent under the FTSA

2023

Since 2023, § 501.059(8)(a) bars an unsolicited telephonic sales call that uses an automated system for the "selection and dialing" of numbers, or a recorded message, without the called party's prior express written consent. The rule reaches calls, texts and voicemail alike.

Written consent

Signed by the called party, names the number, covers automated or recorded calls, and is not a purchase condition.

What counts as a signature

Since 2023: a valid electronic signature, a checked consent box, or an affirmative reply to texts, a campaign or an e-mail.

01. State do-not-call list

FLA. STAT. § 501.059(3), (4)

No unsolicited sales call to a number on the FDACS quarterly list. The list includes Florida numbers from the national registry, and listing is free for consumers.

02. Internal opt-out

FLA. STAT. § 501.059(5)

Once a consumer, business or donor asks not to be contacted, no more calls, texts or voicemail. Unlike the FCC rule, there is no processing period.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

Scrub against both the FDACS quarterly list and the national registry. FDACS advises that a business that buys the national list must still buy the state list. Suppress internal opt-outs right away, including requests from businesses and donors.



Calling hours and call limits

These limits come from the Florida Telemarketing Act, § 501.616(6), not the FTSA. They apply to commercial telephone sellers and salespersons, including automated and recorded calls, and exempt sellers must follow them too.

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Calls in 24 hours

No more than three solicitation calls to a person in 24 hours on the same subject, from any number (§ 501.616(6)(b)).



8 a.m. to 8 p.m.

Called person's time zone (§ 501.616(6)(a)), one hour earlier than the federal 9 p.m. limit.



Set in 2021

Ch. 2021-185 moved the cutoff from 9 p.m. to 8 p.m. and added the three-call cap. No Sunday or holiday limit.

Autodialers and caller ID

The FTSA does not define an "automated system for the selection and dialing of telephone numbers." Since 2023 the system must both select and dial. The federal test instead asks about a random or sequential number generator.

Treat the test conservatively

Suits filed before May 25, 2023, and classes certified by then, may still be governed by the former "selection or dialing" text.

Aa. **Caller ID**

FTSA: send the number and, when available, the name.
The number must take calls.

Bb. **Spoofing**

Telemarketing Act: hiding identity behind a different number is a misdemeanor.

2nd

Cc. **Voice**

FTSA: no altering the voice to disguise the caller to defraud, confuse or injure.



Licensing and bonding

Under the Florida Telemarketing Act, a commercial telephone seller must get an FDACS license before doing business in Florida, including when calling Florida purchasers from another state. Each salesperson needs a license too.

\$50,000

Minimum security

A bond, letter of credit or certificate of deposit in favor of FDACS, for purchasers who are injured.



\$1,500 license fee

One license for each location, with fee waivers for qualifying veterans, service members and spouses.



Exempt sellers

Sellers claiming certain exemptions must file a notarized affidavit of exemption with FDACS.

Lawsuits and penalties



\$500

FTSA: actual damages or \$500 per violation, up to triple if willful or knowing, plus attorney fees to the prevailing party.

15 days

FTSA: before suing over texts, the called party must reply "STOP" and give the sender 15 days to stop.

Felony



Telemarketing Act: soliciting without a license is a third-degree felony. Civil penalties reach \$10,000 per violation.



Florida vs. the TCPA

Florida is stricter than federal law on texts and voicemail by statute, evening hours, a call cap, licensing and bonding, signed contracts, felony penalties and fee shifting. The TCPA does not preempt more restrictive intrastate rules, and state and federal claims are often pleaded together.

Florida

Calls end at 8 p.m., three-call cap in 24 hours, license and \$50,000 security, fees to the prevailing party.

Federal TCPA

Calls end at 9 p.m., no numeric call cap, no license or bond, no attorney fees under the TCPA.

Key court rulings

These rulings address standing for text claims, the constitutionality of the FTSA dialing rule, and whether federal do-not-call suits reach texts.

Texts under Florida law

The FTSA covers text messages by its own terms. The Steidinger suit paired TCPA claims with a claim under § 501.059(5).

Aa. **Borges**

S.D. Fla. 2022: the pre-2023 dialing rule survived First Amendment and vagueness attacks.

Bb. **Muccio**

11th Cir. 2023, unpublished: an unwanted text is a concrete injury; the recipient had standing.

11th

Cc. **Steidinger**

7th Cir. 2026: TCPA section 227(c)(5) does not permit suits for unwanted texts.



Recent amendments



FTSA private suits

Ch. 2021-185, effective July 1, 2021: written consent rules, area-code presumption, private right of action.

Telemarketing Act

Same law, § 501.616: 8 p.m. cutoff, three-call cap, and spoofing made a misdemeanor.

FTSA narrowed

Ch. 2023-150, effective May 25, 2023: "selection and dialing," broader signature, text STOP notice.

Transition rule

Applies to suits filed on or after May 25, 2023 and to classes not yet certified.

01. Under the FTSA

FLA. STAT. § 501.059

- Written consent naming the number; not a purchase condition.
- Scrub the FDACS quarterly list and the national registry.
- Honor opt-outs immediately, including businesses and donors.
- Review dialers against the 2023 "selection and dialing" text.

02. Under the Telemarketing Act

FLA. STAT. §§ 501.605, 501.611, 501.616

- Call only 8 a.m. to 8 p.m., and no more than three calls in 24 hours.
- FDACS license and \$50,000 security, or the exemption affidavit.
- Transmit working caller ID; never display a number to hide identity.

CHECKLIST

Compliance checklist

PLEASE NOTE

This checklist summarizes state law for general information and is not legal advice. Statutes change; confirm current text with the official source.



Sources behind this deck

FLORIDA LAW

[Fla. Stat. § 501.059](#) Florida Telephone Solicitation Act (FTSA)

[Fla. Stat. §§ 501.601 to 501.626](#) Florida Telemarketing Act (Part IV, ch. 501)

[Fla. Stat. § 570.971](#) civil and administrative penalty classes

[Ch. 2021-185, Laws of Fla.](#) (CS/SB 1120), effective July 1, 2021

[Ch. 2023-150, Laws of Fla.](#) (CS/CS/HB 761), approved May 25, 2023

[Fla. Admin. Code r. 5J-5.001](#) FDACS rule on § 501.059 terms

FEDERAL LAW

[47 U.S.C. § 227](#) Telephone Consumer Protection Act

[47 C.F.R. § 64.1200](#) FCC telemarketing and robocall rules

[16 C.F.R. Part 310](#) FTC Telemarketing Sales Rule

FLORIDA DO-NOT-CALL (FDACS)

[FDACS: Florida Do Not Call for consumers](#)

[FDACS: Florida Do Not Call for businesses](#)

COURT DECISIONS

[Borges v. SmileDirectClub, LLC](#), No. 21-cv-23011 (S.D. Fla. Sept. 15, 2022)

[Muccio v. Global Motivation, Inc.](#), No. 23-10081 (11th Cir. Aug. 25, 2023) (per curiam, unpublished)

[Steidinger v. Blackstone Medical Services](#), No. 25-2398 (7th Cir. July 14, 2026)

[Facebook, Inc. v. Duguid](#), No. 19-511 (U.S. Apr. 1, 2021)

Read the full Florida guide: <https://tcpa.com/state-telemarketing-laws/florida/>

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The law changes

Current as of October 15, 2026. Statutes, FCC and FTC rules and court decisions change, and some changes are adopted before they take effect. This deck may not reflect later developments.

Courts disagree. Courts in different places can read the same rule differently. Case summaries are not predictions: any other matter turns on its own facts, court and law.

Check the official source. Verify each point against the statute, rule or opinion on the Sources slide. If an official source and this deck differ, the official source controls.

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Read the full Florida guide on TCPA.com

The guide covers the FTSA, the Florida Telemarketing Act, key rulings, recent amendments and a compliance checklist, with links to the official sources.



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Adam Young is a Miami entrepreneur, the CEO of Ringba and the author of The Pay Per Call Revolution, with more than a decade in telecom, call routing and performance marketing. At TCPA.com he writes about the TCPA, robocall enforcement, tech support fraud cases and what DOJ, FTC and FCC actions mean for companies that make calls. His goal is simple: keep good companies compliant and keep scammers off the phone network.

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