



## Robocalls in Florida: What Companies that Call Customers - or Potential Customers - Need to Know

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# Kahoot!

## Robocall Quiz

4 plays • 23 players

 A private kahoot

### Questions (18)

1 - Quiz

**The TCPA prohibits certain communications via all of the following except:**

20 sec

- |  |              |   |
|--|--------------|---|
|    | Fax          |    |
|   | Email        |  |
|  | Phone Call   |  |
|  | Text Message |  |

2 - True or false

**The Florida Telephone Solicitation Act (FTSA) allows a Plaintiff to pursue a private cause of action.**

20 sec

- |  |       |   |
|--|-------|---|
|  | True  |  |
|  | False |  |

3 - True or false

**The federal TCPA preempts the Florida Telephone  
Solicitation Act.**

20 sec



True

✗



False

✓

4 - Quiz

**Under the TCPA and the FTSA, a Defendant can be  
liable for up to how much money for each violation?**

20 sec



\$1,500

✓



\$100

✗



\$50

✗



\$500

✗

5 - True or false

**I read that the Supreme Court "killed" the TCPA  
with its *Facebook* decision, so we should no longer...  
worry about the TCPA.**

20 sec



True

✗



False

✓

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## 6 - Quiz

**The vendor we hired said they were "100%" TCPA compliant, but I still got sued. Can I just make the ... vendor defend me?**

20 sec

-  Yes ✗
-  No ✗
-  Depends on what the contract says ✓
-  Yes, but only if the case is in New Jersey ✗

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## 7 - Quiz

**I didn't know that our marketing vendor was sending unsolicited text messages. Isn't that a good defense to a TCPA case?**

20 sec

-  Yes ✗
-  No ✗
-  Depends on how much control the company had over the vendor ✓
-  Yes, but only in Georgia ✗

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## 8 - True or false

**If a customer consents in writing to be called/texted, they can only withdraw that consent... in writing (e.g. not orally).**

20 sec

-  True ✗
-  False ✓

9 - True or false

**The FTSA has a broader definition of an auto dialer than the TCPA.**

20 sec



True



False



10 - True or false

**As amended July 1, 2021, the FTSA eliminated the right of a company to call/text its own customers ... without consent.**

20 sec



True



False



11 - Quiz

**An FTSA claim can be pursued in federal court.**

20 sec



Always



Never



Yes, if there is an independent basis for federal jurisdiction



Yes, in the Middle District; No, in the Southern District



12 - Quiz

**A Plaintiff can receive prevailing party fees.**

20 sec

- Yes, under both the FTSA and the TCPA ✗
- No, under both the FTSA and the TCPA ✗
- Yes, under the FTSA; No, under the TCPA ✓
- Yes, under the TCPA; No, under the FTSA ✗

13 - True or false

**In addition to a lawsuit, consumers may also file a complaint with the FCC when they believe the ... TCPA is violated.**

20 sec

- True ✓
- False ✗

14 - True or false

**If a customer asks not to be called, a company should put their number on an internal "do not call... list."**

20 sec

- True ✓
- False ✗

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15 - True or false

**Customer consented to be called. We called that number, but it was reassigned to a different person... We aren't liable.**

20 sec



True



False



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16 - Quiz

**We are sued in a TCPA class action by a customer. Can we move to compel arbitration?**

20 sec



No, TCPA claims can never be subject to arbitration



Always, if we have an arbitration clause



Depends on whether the claims are covered by the arbitration clause



Yes, in state court; No, in federal court



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17 - True or false

**Plaintiff who received 1 call files a class action. We can send him a check for \$1,500 and be done with ... the case.**

20 sec



True



False



**We settle a TCPA claim. Can we require the lawyer who brought the case to never sue us again for ... TCPA violations?**

20 sec

- No ✓
- Always ✗
- Yes, as long as the agreement isn't confidential ✗
- Yes, but only if that term is approved by the court ✗

## Resource credits

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