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There are certain instances where statistics just don't lie. During the 2010 calendar year, 40 percent of the total complaints taken by the Florida Department of Agriculture and Consumer Services (FDACS) were telemarketing-related. Consumer frustration became blatantly obvious when one considers the fact that the top two categories of complaints taken last year were Telemarketing and Do Not Call (16,231 total). Effective regulation of this industry not only benefits consumers by providing protection from unscrupulous operators and the threat of identity theft, it also creates a fair and level playing field for businesses that are abiding by the rules.

Who do telemarketers have to answer to? The [Florida Telemarketing Act](#) governs the actions of these businesses. All non-exempt telemarketing companies must be licensed with FDACS, and post a security bond of no less than \$50,000 prior to soliciting. Each individual telemarketing salesperson of a non-exempt business is also required to be licensed. Background checks are conducted as part of this process, and individuals with criminal histories involving fraud are denied licensure. With a continuing focus on protecting consumers from unfair and deceptive business practices, the Department's Division of Consumer Services partnered earlier this month with its Office of Agricultural Law Enforcement to conduct a series of inspections on 19 telemarketing businesses. Cease and desist orders were issued to 12 of the businesses and 170 salespeople. More than 200 violations of the Florida Telemarketing Act were cited, resulting in \$108,000 in fines being collected. The following are a few requirements set forth in the statute that consumers should be aware of:

- Telemarketing calls can only be made between the hours of 8:00 a.m. and 9:00 p.m. and the salesperson must state his or her true name, the company that he or she is representing, and the products or services being sold within the first 30 seconds of the phone call.
- If a sale or agreement to purchase is completed, the consumer must be informed of his or her cancellation rights, the license # of both the business and the salesperson, as well as the street address of the business.
- The business or salesperson cannot require that payment be made by credit card or even state that this is their preferred method of payment.

Who do they target and how? Although elderly consumers tend to be disproportionately targeted, anyone who has a phone is a potential victim. A common misconception is that it's illegal for telemarketers to call your cell phone - the truth is that there is currently no directory or listing of cell phone numbers available, so contacting you through your residential phone is typically easiest. The most common method of attack for telemarketers is "cold calling," where the scammer gets your number from a directory, a mailing list or a "sucker list" (lists that are bought and sold containing key information about people who have responded to previous solicitations). Direct mailing, broadcast, and print advertising are also methods of telemarketing that have become increasingly effective. These approaches actually involve the victim calling the telemarketer, because they were intrigued by an offer they saw and would like more information. Recently in Florida, the more common telemarketing scams have targeted consumers regarding timeshare re-sales, "free" energy audits (caller may even claim to work with Florida Power and Light or another utility provider), mortgage assistance relief services and fee recovery schemes (this is where the caller, for a fee, offers to recover the money a consumer has already lost in a previous scam).

Avoid becoming a victim - When dealing with telemarketers keep these tips in mind:

- Register for the Florida Do Not Call Program by calling 1-800-HELP-FLA (435-7352) or visiting our website at www.800helpfla.com.
- Don't answer the phone if you don't recognize the number on your caller ID. Instead, let it go to voicemail.
- Don't provide any personal or financial information over the phone and don't be pressured into making any immediate decisions.
- Don't send cash by messenger or overnight mail. Using a credit card will allow you to dispute the charges if you don't get what you were promised.

Report telemarketing scams! Fraudulent telemarketers should be reported to both FDACS and the Federal Trade Commission (FTC). If the initial contact was made by mail, you should also file a complaint with the United States Postal Inspection Service. Filing a consumer complaint with FDACS can be done online or by requesting a copy of the form from a member of our Consumer Assistance Center. Remember, we are here for you. Either visit us online at www.800helpfla.com or call 1-800-HELP-FLA (435-7352) from within Florida, 850-488-2221 from outside of Florida or 1-800-FL-AYUDA (352- 9832) en Español , and a member of our Consumer Assistance Center will be more than happy to answer any questions you may have or direct you to the best resource for assistance.



You're welcome to get in touch with us through the [Contact Us](#) page of our website at www.800helpfla.com.