

Article 5.

Unsolicited Facsimiles.

**§ 75-115. Definitions.**

The following definitions apply in this Article:

- (1) Established business relationship. –
  - a. A relationship between a seller and a consumer based on:
    1. The consumer's purchase, rental, or lease of the seller's goods or services or a financial transaction between the consumer and the seller or one or more of its affiliates within the 18 months immediately preceding the date of an unsolicited advertisement; or
    2. The consumer's inquiry or application regarding a product or service offered by the seller within the three months immediately preceding the date of an unsolicited advertisement.
  - b. A relationship between a tax-exempt nonprofit organization and a person based on:
    1. The person's association with the tax-exempt nonprofit organization as a member, contributor, or volunteer of the tax-exempt nonprofit organization within the 18 months immediately preceding the date of an unsolicited advertisement;
    2. The person's subscription to or use of the services of the tax-exempt nonprofit organization within the 18 months immediately preceding the date of an unsolicited advertisement; or
    3. The person's inquiry regarding the tax-exempt nonprofit organization within the three months immediately preceding the date of an unsolicited advertisement.
- (2) Telephone facsimile machine. – Equipment that has the capacity to do either or both of the following:
  - a. Transcribe text or images or both from paper into an electronic signal and to transmit that signal over a regular telephone line.
  - b. Transcribe text or images or both from an electronic signal received over a regular telephone line onto paper.
- (3) Unsolicited advertisement. – Any material advertising the commercial availability or quality of any property, goods, or services that is transmitted to any person or entity without that person's or entity's prior express invitation or permission. Prior express invitation or permission may be obtained for a specific or unlimited number of advertisements and may be obtained for a specific or unlimited period of time. (2006-207, s. 1.)