

## THE FTSA CLAIMS ARE STILL POURING IN: Florida Mini TCPA Continues to Generate Huge Volume of Litigation

Article By:

Eric J. Troutman

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So we chatted about this a ton at the Summit but the Florida Telephone Solicitation Act (FTSA or Mini TCPA) continues to generate huge volumes of litigation.

Here are a couple of recent cases involving a solar lead provider and a consumer lender:

- [BAKUL BADWAL VS SHORE FUNDING SOLUTIONS INC – complaint 2021-26682-CA-01 Miami Dade](#)
- [CHANEL KERSWILL VS MODERN BROKERS OF AMERICA LLC – complaint – 2021-26683-CA-01 Miami Dade](#)

By now every vertical has been hit and—again—this is a nationwide issue as callers residing in the other 49 states may be hauled into court in Florida (assuming personal jurisdiction otherwise exists) for texting Florida consumers.

The remarkable thing, however, is that despite the nearly 100 complaints we've now reviewed virtually all of them relate to text messages. I'm not sure what to make of this phenomenon. But without question text messages are driving the first wave of Florida mini-TCPA claims—even as texts are the safest outreach channel under the federal TCPA these days.

Critical to keep in mind that unlike the TCPA, no random or sequential number generator needs to be used in Florida. If your system is determining the sequence in which numbers are to be texted—and they virtually all do—you are using an autodialer under state law.

It's a bad law—but it is the law.

So you need express written consent or an omnichannel human selection system (Safe Select?) in order to text safely in Florida for marketing purposes.

We'll keep an eye on this.

National Law Review, Volume XI, Number 347

Source URL: <https://natlawreview.com/article/ftsa-claims-are-still-pouring-florida-mini-tcpa-continues-to-generate-huge-volume>