

Carlton Fields Releases Comprehensive FTSA Case Review

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MIAMI, FL – Carlton Fields has released its first annual comprehensive case review of Florida Telephone Solicitation Act (FTSA) cases. The publication reports on significant FTSA cases from federal and state courts in Florida with insights from the Carlton Fields robocall defense team. Key takeaways from the FTSA case review include:

- **Federal Jurisdiction** – In cases alleging only violations of the FTSA, a removing defendant must show a sufficient amount in controversy for federal jurisdiction.
- **Article III Standing** – Several Florida district courts have addressed whether a plaintiff can have Article III standing for receiving a text message in violation of the Florida mini TCPA.
- **Pleading Issues** – For years, plaintiffs and defendants have scuffled over how much detail a plaintiff must include in its complaint. These battles are now being fought in the FTSA arena.
- **First Amendment and Other Constitutional Challenges** – Defendants in FTSA cases have raised First Amendment and other constitutional arguments, which may require appellate courts to take action.
- **Discovery Stays** – Case law on stays pending a ruling on a motion to dismiss in FTSA cases has been split.
- **Venue Issues** – There have been a handful of cases filed in other states — and one decision addressing whether a forum outside of Florida is suitable for such a case.
- **Types of Calls Covered Under the FTSA** – Decisions issued in 2022 and early 2023 have addressed the types of issues covered under the FTSA.
- **Arbitration** – Several decisions issued this year confirmed that FTSA cases are subject to arbitration.

Aaron Weiss, the leader of the Carlton Fields robocall defense team, noted that his team “represents corporate clients, including financial services and telecommunications firms, against individual and class action lawsuits arising from alleged violations of the federal Telephone Consumer Protection Act (TCPA) and the Florida Telephone Solicitation Act (FTSA).” Charles Throckmorton, co-leader of the team, added that the group “regularly handles cutting-edge appellate issues in TCPA litigation and advises on compliance with the federal statute, its evolving implementing regulations, and related rules and regulations including the Telemarketing Sales Rule, federal and state do-not-call registries, the Fair Debt Collection Practices Act, and state statutes, such as the Florida Consumer Collection Practices Act regarding call center recordings.” [Download a PDF of the 2022 FTSA Cases Year in Review.](#)

Featuring



Aaron S. Weiss



Charles W. Throckmorton

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