

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 101
97TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, February 14, 2013, with recommendation that the Senate Committee Substitute do pass.

0194S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to florists.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new
2 section, to be known as section 407.312, to read as follows:

**407.312. 1. As used in this section, the following terms shall
2 mean:**

3 **(1) "Florist", any business that derives fifty percent or more of its
4 gross income from the sale or arranging for the sale of flowers or floral
5 arrangements;**

6 **(2) "Local telephone number", a specific telephone number with
7 area code and prefix assigned for the purpose of completing local calls
8 between a calling party or station and any other party or station within
9 a designated exchange or all of its designated local calling areas. The
10 term "local telephone number" shall not mean long distance telephone
11 numbers or any toll-free telephone numbers listed in a local telephone
12 directory;**

13 **(3) "Person", shall have the same meaning as in section 407.010.**

14 **2. A person shall not misrepresent the geographical location of
15 a florist in a contact listing:**

16 **(1) In a telephone directory or other directory assistance
17 database;**

18 **(2) On an internet website; or**

19 **(3) In a print advertisement.**

20 **3. A person is considered to misrepresent the geographical
21 location of a florist for purposes of this section if the name of the florist**

22 indicates that the florist is located in a geographical area and:

23 (1) The florist is not physically located within the geographical
24 area indicated;

25 (2) The listing fails to identify the municipality and state of the
26 florist's actual physical geographical location; and

27 (3) A telephone call to the local telephone number provided for
28 the florist that is:

29 (a) Listed in the directory or database is routinely forwarded or
30 transferred to a location that is outside the calling area covered by the
31 directory or database in which the number is listed; or

32 (b) Provided on the internet website or in a print advertisement
33 is routinely forwarded or transferred to a location that is outside the
34 calling area of the geographical area indicated by the name of the
35 florist.

36 4. A person may place a contact listing for a florist under this
37 section when the name of the florist indicates that it is located in a
38 geographical area that is different from the geographical area in which
39 the florist is actually physically located if a conspicuous notice in the
40 listing states the municipality and state in which the florist is actually
41 physically located.

42 5. This section shall not apply to:

43 (1) A publisher of a telephone directory or other publication, or
44 a provider of a directory assistance service publishing or providing
45 information about another business;

46 (2) An internet website that aggregates and provides information
47 about other businesses;

48 (3) An owner or publisher of a print medium providing
49 information about other businesses;

50 (4) An internet service provider; or

51 (5) An internet service that displays or distributes
52 advertisements for other businesses.

53 6. A violation of this section shall be considered an unlawful
54 practice under 407.020 and may be prosecuted in the same manner as
55 any unlawful practice under that section.

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