

Bill No. SB 1488

Barcode 350716

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities
(Aronberg) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Obtaining telephone calling records by
fraudulent means prohibited.--

(1) As used in this section, the term:

(a) "Calling record" means a record held by a
telecommunications company of the telephone calls made or text
messages sent or received by a customer of that company.

(b) "Customer" means a person who has received
telephone service from a telecommunications company.

(c) "Law enforcement agency" has the same meaning as
in s. 23.1225(1)(d), Florida Statutes.

(d) "Telecommunications company" has the same meaning
as in s. 364.02, Florida Statutes, except that the term
includes VoIP service and commercial mobile radio service
providers.

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1 (2) It is a violation of this section for a person to:

2 (a) Obtain or attempt to obtain the calling record of
3 another person by:

4 1. Making a false, fictitious, or fraudulent statement
5 or representation to an officer, employee, or agent of a
6 telecommunications company;

7 2. Making a false, fictitious, or fraudulent statement
8 or representation to a customer of a telecommunications
9 company; or

10 3. Providing any document to an officer, employee, or
11 agent of a telecommunications company, knowing that the
12 document is forged, is counterfeit, was lost or stolen, was
13 fraudulently obtained, or contains a false, fictitious, or
14 fraudulent statement or representation.

15 (b) Ask another person to obtain a calling record,
16 knowing that the other person will obtain, or attempt to
17 obtain, the calling record from the telecommunications company
18 in any manner described in paragraph (a).

19 (c) Sell or offer to sell a calling record obtained in
20 any manner described in paragraph (a) or paragraph (b).

21 (3) A person who violates this section for the first
22 time commits a misdemeanor of the first degree, punishable as
23 provided in s. 775.082 or s. 775.083, Florida Statutes. A
24 second or subsequent violation constitutes a felony of the
25 third-degree, punishable as provided in s. 775.082 or s.
26 775.083, Florida Statutes.

27 (4) It is not a violation of this section for:

28 (a) A law enforcement agency to obtain a calling
29 record in connection with the performance of the official
30 duties of that agency.

31 (b) A telecommunications company, or an officer,

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1 employee, or agent of a telecommunications company, to obtain
2 a calling record of that company in the course of:

3 1. Testing the security procedures or systems of the
4 telecommunications company for maintaining the confidentiality
5 of customer information;

6 2. Investigating an allegation of misconduct or
7 negligence on the part of an officer, employee, or agent of
8 the telecommunications company; or

9 3. Recovering a calling record that was obtained or
10 received by another person in any manner described in
11 subsection (2).

12 Section 2. This act shall take effect July 1, 2006.

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18
19 and insert:

20 A bill to be entitled

21 An act relating to telephone calling records;
22 providing definitions; prohibiting a person
23 from obtaining or attempting to obtain the
24 calling record of another person by making
25 false or fraudulent statements or by providing
26 false or fraudulent documents to a
27 telecommunications company, or by selling or
28 offering to sell a calling record that was
29 obtained in a fraudulent manner; providing that
30 it is a first-degree misdemeanor to commit a
31 first violation and a third-degree felony to

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1 commit a second or subsequent violation;
2 providing penalties; providing that it is not a
3 violation of the act for a law enforcement
4 agency or telecommunications company to obtain
5 calling records for specified purposes;
6 providing an effective date.

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