

By the Committee on Communications and Public Utilities; and
Senators Aronberg and Miller

579-1782-06

1 A bill to be entitled

2 An act relating to telephone calling records;

3 providing definitions; prohibiting a person

4 from obtaining or attempting to obtain the

5 calling record of another person by making

6 false or fraudulent statements or by providing

7 false or fraudulent documents to a

8 telecommunications company, or by selling or

9 offering to sell a calling record that was

10 obtained in a fraudulent manner; providing that

11 it is a first-degree misdemeanor to commit a

12 first violation and a third-degree felony to

13 commit a second or subsequent violation;

14 providing penalties; providing that it is not a

15 violation of the act for a law enforcement

16 agency or telecommunications company to obtain

17 calling records for specified purposes;

18 providing an effective date.

19

20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Obtaining telephone calling records by

23 fraudulent means prohibited.--

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

25 (a) "Calling record" means a record held by a

26 telecommunications company of the telephone calls made or text

27 messages sent or received by a customer of that company.

28 (b) "Customer" means a person who has received

29 telephone service from a telecommunications company.

30 (c) "Law enforcement agency" has the same meaning as

31 in s. 23.1225(1)(d), Florida Statutes.

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

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

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

8 1. Making a false, fictitious, or fraudulent statement
9 or representation to an officer, employee, or agent of a
10 telecommunications company;

11 2. Making a false, fictitious, or fraudulent statement
12 or representation to a customer of a telecommunications
13 company; or

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

19 (b) Ask another person to obtain a calling record,
20 knowing that the other person will obtain, or attempt to
21 obtain, the calling record from the telecommunications company
22 in any manner described in paragraph (a).

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

25 (3) A person who violates this section for the first
26 time commits a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083, Florida Statutes. A
28 second or subsequent violation constitutes a felony of the
29 third-degree, punishable as provided in s. 775.082 or s.
30 775.083, Florida Statutes.

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

1 (a) A law enforcement agency to obtain a calling
2 record in connection with the performance of the official
3 duties of that agency.

4 (b) A telecommunications company, or an officer,
5 employee, or agent of a telecommunications company, to obtain
6 a calling record of that company in the course of:

7 1. Testing the security procedures or systems of the
8 telecommunications company for maintaining the confidentiality
9 of customer information;

10 2. Investigating an allegation of misconduct or
11 negligence on the part of an officer, employee, or agent of
12 the telecommunications company; or

13 3. Recovering a calling record that was obtained or
14 received by another person in any manner described in
15 subsection (2).

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

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 SB 1488

21 The committee substitute for SB 1488 amends the definition of
22 the term "calling records" to add records of text messages
23 that would be protected under this bill. The definition of the
24 term "telecommunications company" is amended to include
commercial mobile radio service providers and remove the
exclusion of broadband providers. Finally the committee
substitute removes two exceptions from subsection (4).