

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 without the permission of that 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 in accordance with other applicable
4 laws.

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

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

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

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

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS/SB 1488

- 22 - Clarifies that it is unlawful to obtain a person's
23 calling records without that person's permission by
24 utilizing any of the specified means of procuring those
25 records.
26 - Clarifies that a law enforcement agency does not
27 unlawfully obtain calling records when the agency obtains
28 those records in connection with the performance of its
29 official duties in accordance other applicable laws.
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