By the Committees on Criminal Justice; Communications and Public Utilities; and Senators Aronberg, Miller and Campbell

591-1889-06

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
б	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:
21	
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	<u>in s. 23.1225(1)(d), Florida Statutes.</u>

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1 (d) "Telecommunications company" has the same meaning 2 as in s. 364.02, Florida Statutes, except that the term includes VoIP service and commercial mobile radio service 3 4 providers. 5 (2) It is a violation of this section for a person to: б (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 or representation to an officer, employee, or agent of a 9 10 telecommunications company; Making a false, fictitious, or fraudulent statement 11 12 or representation to a customer of a telecommunications 13 company; or 3. Providing any document to an officer, employee, or 14 agent of a telecommunications company, knowing that the 15 document is forged, is counterfeit, was lost or stolen, was 16 17 fraudulently obtained, or contains a false, fictitious, or 18 fraudulent statement or representation. (b) Ask another person to obtain a calling record, 19 knowing that the other person will obtain, or attempt to 20 21 obtain, the calling record from the telecommunications company 2.2 in any manner described in paragraph (a). 23 (c) Sell or offer to sell a calling record obtained in any manner described in paragraph (a) or paragraph (b). 2.4 25 (3) A person who violates this section for the first time commits a misdemeanor of the first degree, punishable as 26 27 provided in s. 775.082 or s. 775.083, Florida Statutes. A 2.8 second or subsequent violation constitutes a felony of the third-degree, punishable as provided in s. 775.082 or s. 29 775.083, Florida Statutes. 30 (4) It is not a violation of this section for: 31

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1 (a) A law enforcement agency to obtain a calling 2 record in connection with the performance of the official duties of that agency in accordance with other applicable 3 4 <u>laws.</u> 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 Testing the security procedures or systems of the 1. telecommunications company for maintaining the confidentiality 9 10 of customer information; Investigating an allegation of misconduct or 11 12 negligence on the part of an officer, employee, or agent of the telecommunications company; or 13 Recovering a calling record that was obtained or 14 3. received by another person in any manner described in 15 16 subsection (2). 17 Section 2. This act shall take effect July 1, 2006. 18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN 19 COMMITTEE SUBSTITUTE FOR 20 <u>CS/SB 1488</u> 21 22 Clarifies that it is unlawful to obtain a person's calling records without that person's permission by 23 utilizing any of the specified means of procuring those records. 2.4 Clarifies that a law enforcement agency does not unlawfully obtain calling records when the agency obtains 25 those records in connection with the performance of its 26 official duties in accordance other applicable laws. 27 28 29 30 31

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