

A bill to be entitled

An act relating to telephone calling records; prohibiting a person from obtaining or attempting to obtain the calling record of another person by making false or fraudulent statements or by providing false or fraudulent documents to a telecommunications company, or by selling or offering to sell a calling record that was obtained in a fraudulent manner; providing that it is a first-degree misdemeanor to commit a first violation and a third-degree felony to commit a second or subsequent violation; providing penalties; providing that it is not a violation of the act for a law enforcement agency, telecommunications company, or private investigator to obtain calling records for specified purposes; providing an effective date.

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

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

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

(a) "Calling record" means a record held by a telecommunications company of the telephone calls made 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.

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29 (d) "Telecommunications company" has the same meaning as
30 in s. 364.02, Florida Statutes, except that the term includes
31 providers of VoIP service and excludes providers of broadband
32 service.

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

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

36 1. Making a false, fictitious, or fraudulent statement or
37 representation to an officer, employee, or agent of a
38 telecommunications company;

39 2. Making a false, fictitious, or fraudulent statement or
40 representation to a customer of a telecommunications company; or

41 3. Providing any document to an officer, employee, or
42 agent of a telecommunications company, knowing that the document
43 is forged, is counterfeit, was lost or stolen, was fraudulently
44 obtained, or contains a false, fictitious, or fraudulent
45 statement or representation.

46 (b) Ask another person to obtain a calling record, knowing
47 that the other person will obtain, or attempt to obtain, the
48 calling record from the telecommunications company in any manner
49 described in paragraph (a).

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

52 (3) A person who violates this section for the first time
53 commits a misdemeanor of the first degree, punishable as
54 provided in s. 775.082 or s. 775.083, Florida Statutes. A second
55 or subsequent violation constitutes a felony of the third
56 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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57 775.084, Florida Statutes.

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

59 (a) A law enforcement agency to obtain a calling record in
60 connection with the performance of the official duties of that
61 agency.

62 (b) A telecommunications company, or an officer, employee,
63 or agent of a telecommunications company, to obtain a calling
64 record of that company in the course of:

65 1. Testing the security procedures or systems of the
66 telecommunications company for maintaining the confidentiality
67 of customer information;

68 2. Investigating an allegation of misconduct or negligence
69 on the part of an officer, employee, or agent of the
70 telecommunications company; or

71 3. Recovering a calling record that was obtained or
72 received by another person in any manner described in subsection
73 (2).

74 (c) A person to obtain a calling record that otherwise is
75 available as a public record under chapter 119, Florida
76 Statutes.

77 (d) A private investigator licensed under part II of
78 chapter 493, Florida Statutes, or an officer, employee, or agent
79 of such an investigator, to obtain a calling record to the
80 extent reasonably necessary to collect child support from a
81 person adjudged to be delinquent in his or her obligations by a
82 court and as authorized by a court order.

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