

ENROLLED
CS/HB 225

2008 Legislature

1 A bill to be entitled
2 An act relating to telephone caller identification;
3 providing a short title; creating s. 817.487, F.S.;
4 prohibiting entering or causing to be entered false
5 information into a telephone caller identification system
6 with the intent to deceive, defraud, or mislead;
7 prohibiting placing a call knowing that false information
8 was entered into the telephone caller identification
9 system; providing definitions; providing exceptions;
10 providing penalties; providing that a violation is an
11 unlawful trade practice under specified provisions;
12 providing for enhancement of penalties when a violation is
13 committed during the commission of a criminal offense or
14 when a violation facilitates a criminal offense; providing
15 an effective date.

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

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19 Section 1. This act may be cited as the "Caller ID
20 Anti-spoofing Act."

21 Section 2. Section 817.487, Florida Statutes, is created
22 to read:

23 817.487 Telephone caller identification systems.--

24 (1) As used in this section:

25 (a) "Call" means any type of telephone call made using a
26 public switched telephone network, wireless cellular telephone
27 service, or voice-over-Internet protocol (VoIP) service that has
28 the capability of accessing users on the public switched

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29 telephone network or a successor network.
 30 (b) "Caller" means a person who places a call, whether by
 31 telephone, over a telephone line, or on a computer.
 32 (c) "Enter" means to input data by whatever means into a
 33 computer or telephone system.
 34 (d) "False information" means data that misrepresents the
 35 identity of the caller to the recipient of a call or to the
 36 network itself; however, when a person making an authorized call
 37 on behalf of another person inserts the name, telephone number,
 38 or name and telephone number of the person on whose behalf the
 39 call is being made, such information shall not be deemed false
 40 information.
 41 (e) "Telephone caller identification system" means a
 42 listing of a caller's name, telephone number, or name and
 43 telephone number that is shown to a recipient of a call when it
 44 is received.
 45 (2) A person may not enter or cause to be entered false
 46 information into a telephone caller identification system with
 47 the intent to deceive, defraud, or mislead the recipient of a
 48 call.
 49 (3) A person may not place a call knowing that false
 50 information was entered into the telephone caller identification
 51 system with the intent to deceive, defraud, or mislead the
 52 recipient of the call.
 53 (4) This section shall not apply to:
 54 (a) The blocking of caller identification information.
 55 (b) Any law enforcement agency of the federal, state,
 56 county, or municipal government.

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57 (c) Any intelligence or security agency of the Federal
58 Government.

59 (d) A telecommunications, broadband, or voice-over-
60 Internet service provider that is acting solely as an
61 intermediary for the transmission of telephone service between
62 the caller and the recipient.

63 (5) (a) Any person who violates subsection (2) or
64 subsection (3) commits a misdemeanor of the first degree,
65 punishable as provided in s. 775.082 or s. 775.083.

66 (b) Any violation of subsection (2) or subsection (3)
67 constitutes an unlawful trade practice under part II of chapter
68 501 and, in addition to any remedies or penalties set forth in
69 this section, is subject to any remedies or penalties available
70 for a violation of that part.

71 (6) (a) The felony or misdemeanor degree of any criminal
72 offense shall be reclassified by the court to the next higher
73 degree as provided in this subsection if the offender violated
74 subsection (2) or subsection (3) during the commission of the
75 criminal offense or if a violation by the offender of subsection
76 (2) or subsection (3) facilitated or furthered the criminal
77 offense. The reclassification shall be as follows:

78 1. In the case of a misdemeanor of the second degree, the
79 offense is reclassified as a misdemeanor of the first degree.

80 2. In the case of a misdemeanor of the first degree, the
81 offense is reclassified as a felony of the third degree.

82 3. In the case of a felony of the third degree, the
83 offense is reclassified as a felony of the second degree.

84 4. In the case of a felony of the second degree, the

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85 offense is reclassified as a felony of the first degree.

86 5. In the case of a felony of the first degree or a felony
87 of the first degree punishable by a term of imprisonment not
88 exceeding life, the offense is reclassified as a life felony.

89 (b) For purposes of sentencing under chapter 921, the
90 following offense severity ranking levels apply:

91 1. An offense that is a misdemeanor of the first degree
92 and that is reclassified under this subsection as a felony of
93 the third degree is ranked in level 2 of the offense severity
94 ranking chart.

95 2. A felony offense that is reclassified under this
96 subsection is ranked one level above the ranking specified in s.
97 921.0022 or s. 921.0023 for the offense committed.

98 Section 3. This act shall take effect October 1, 2008.