

Bill No. SB 694



581306

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/4/2008	.	
	.	
	.	

1 The Committee on Commerce (Justice) recommended the following  
 2 **amendment:**

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

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

9 Section 2. Section 817.487, Florida Statutes, is created  
 10 to read:

11 817.487 Telephone caller identification systems.--

12 (1) As used in this section:

13 (a) "Call" means any type of telephone call made using a  
 14 public switched telephone network, wireless cellular telephone  
 15 service, or voice-over-Internet protocol (VoIP) service that has

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16 the capability of accessing users on the public switched  
17 telephone network or a successor network.

18 (b) "Caller" means a person who places a call, whether by  
19 telephone, over a telephone line, or on a computer.

20 (c) "Enter" means to input data by whatever means into a  
21 computer or telephone system.

22 (d) "False information" means data that misrepresents the  
23 identity of the caller to the recipient of a call or to the  
24 network itself; however, when a person making an authorized call  
25 on behalf of another person inserts the name, telephone number,  
26 or name and telephone number of the person on whose behalf the  
27 call is being made, such information shall not be deemed false  
28 information.

29 (e) "Telephone caller identification system" means a  
30 listing of a caller's name, telephone number, or name and  
31 telephone number that is shown to a recipient of a call when it  
32 is received.

33 (2) A person may not enter or cause to be entered false  
34 information into a telephone caller identification system with  
35 the intent to deceive, defraud, or mislead the recipient of a  
36 call.

37 (3) A person may not place a call knowing that false  
38 information was entered into the telephone caller identification  
39 system with the intent to deceive, defraud, or mislead the  
40 recipient of the call.

41 (4) This section shall not apply to:

42 (a) The blocking of caller identification information.

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43 (b) Any law enforcement agency of the federal, state,  
44 county, or municipal government.

45 (c) Any intelligence or security agency of the Federal  
46 Government.

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

50 (b) Any violation of subsection (2) or subsection (3)  
51 constitutes an unlawful trade practice under part II of chapter  
52 501 and, in addition to any remedies or penalties set forth in  
53 this section, is subject to any remedies or penalties available  
54 for a violation of that part.

55 (6) (a) The felony or misdemeanor degree of any criminal  
56 offense shall be reclassified by the court to the next higher  
57 degree as provided in this subsection if the offender violated  
58 subsection (2) or subsection (3) during the commission of the  
59 criminal offense or if a violation by the offender of subsection  
60 (2) or subsection (3) facilitated or furthered the criminal  
61 offense. The reclassification shall be as follows:

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

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

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

68 4. In the case of a felony of the second degree, the  
69 offense is reclassified as a felony of the first degree.



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70 5. In the case of a felony of the first degree or a felony  
71 of the first degree punishable by a term of imprisonment not  
72 exceeding life, the offense is reclassified as a life felony.

73 (b) For purposes of sentencing under chapter 921 the  
74 following offense severity ranking levels apply:

75 1. An offense that is a misdemeanor of the first degree  
76 and that is reclassified under this subsection as a felony of  
77 the third degree is ranked in level 2 of the offense severity  
78 ranking chart.

79 2. A felony offense that is reclassified under this  
80 subsection is ranked one level above the ranking specified in s.  
81 921.0022 or s. 921.0023 for the offense committed.

82 Section 3. This act shall take effect October 1,  
83 2008.

84  
85  
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete everything before the enacting clause  
89 and insert:

90 A bill to be entitled  
91 An act relating to telephone caller identification;  
92 providing a short title; creating s. 817.487, F.S.;  
93 prohibiting entering or causing to be entered false  
94 information into a telephone caller identification system  
95 with the intent to deceive, defraud, or mislead;  
96 prohibiting placing a call knowing that false information  
97 was entered into the telephone caller identification

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98 | system; providing definitions; providing exceptions;  
99 | providing penalties; providing that a violation is an  
100 | unlawful trade practice under specified provisions;  
101 | providing for enhancement of penalties when a violation is  
102 | committed during the commission of a criminal offense or  
103 | when a violation facilitates a criminal offense; providing  
104 | an effective date.