

By the Committee on Commerce; and Senator Aronberg

577-04452-08

2008694c1

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.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
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 to  
22 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  
29 telephone network or a successor network.

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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 does 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.

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

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

63        (5) (a) Any person who violates subsection (2) or subsection  
64 (3) commits a misdemeanor of the first degree, punishable as  
65 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 offense  
83 is reclassified as a felony of the second degree.

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

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