

By Senator Wright

8-00516-24

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1                   A bill to be entitled  
2       An act relating to the misuse of emergency  
3       communications systems; amending s. 365.172, F.S;  
4       correcting a reference to the statewide emergency  
5       communications plan; providing enhanced criminal  
6       penalties for a specified violation of emergency  
7       communications services which results in bodily injury  
8       or property damage; requiring a court to order  
9       restitution for certain violations; providing  
10      requirements for such restitution; providing an  
11      effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Paragraph (aa) of subsection (3) and subsection  
16      (14) of section 365.172, Florida Statutes, are amended to read:  
17      365.172 Emergency communications.—

18       (3) DEFINITIONS.—Only as used in this section and ss.  
19      365.171, 365.173, 365.174, and 365.177, the term:

20       (aa) "Public safety answering point," "PSAP," or "answering  
21      point" means the public safety agency that receives incoming 911  
22      requests for assistance and dispatches appropriate public safety  
23      agencies to respond to the requests in accordance with the  
24      statewide emergency communications ~~state E911~~ plan.

25       (14) MISUSE OF 911, E911, OR NG911 SYSTEM; PENALTY.—911,  
26      E911, and NG911 service must be used solely for emergency  
27      communications by the public.

28       (a) A any person who does any of the following commits a  
29      misdemeanor of the first degree, punishable as provided in s.

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30 775.082 or s. 775.083:

31 1. Accesses the number 911 for the purpose of making a  
32 false alarm or complaint or reporting false information that  
33 could result in the emergency response of any public safety  
34 agency.~~;~~ ~~any person who~~

35 2. Knowingly uses or attempts to use such service for a  
36 purpose other than obtaining public safety assistance.~~;~~ ~~or any~~  
37 ~~person who~~

38 3. Knowingly uses or attempts to use such service in an  
39 effort to avoid any charge for service, ~~commits a misdemeanor of~~  
40 ~~the first degree, punishable as provided in s. 775.082 or s.~~  
41 ~~775.083.~~

42 (b) A person who violates subparagraph (a)1. during which  
43 violation the subsequent emergency response results in bodily  
44 injury or property damage as a proximate result of lawful  
45 conduct arising out of the emergency response commits a felony  
46 of the third degree, punishable as provided in s. 775.082, s.  
47 775.083, or s. 775.084.

48 (c) After being convicted of unauthorized use of such  
49 service four times, a person who continues to engage in such  
50 unauthorized use commits a felony of the third degree,  
51 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

52 (d) A court shall order any person convicted of violating  
53 this subsection to pay restitution to a responding public safety  
54 agency. The restitution must include the full payment of any  
55 cost incurred by such agency, including bodily injury or  
56 property damage caused by the response ~~In addition, if the value~~  
57 ~~of the service or the service charge obtained in a manner~~  
58 ~~prohibited by this subsection exceeds \$100, the person~~

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59 ~~committing the offense commits a felony of the third degree,~~  
60 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

61 Section 2. This act shall take effect upon becoming a law.