

By Senator Wright

8-00097-25

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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           providing enhanced criminal penalties for a specified  
 5           violation relating to the use of emergency  
 6           communications services which results in bodily injury  
 7           or property damage; requiring courts to order  
 8           restitution for certain violations; providing  
 9           requirements for such restitution; providing an  
 10          effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Subsection (14) of section 365.172, Florida  
 15           Statutes, is amended to read:

16           365.172 Emergency communications.—

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

20           (a) A any person who does any of the following commits a  
 21           misdemeanor of the first degree, punishable as provided in s.  
 22           775.082 or s. 775.083:

23           1. Accesses the number 911 for the purpose of making a  
 24           false alarm or complaint or reporting false information that  
 25           could result in the emergency response of any public safety  
 26           agency.~~;~~ ~~any person who~~

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

8-00097-25

2025278\_\_

30       3. Knowingly uses or attempts to use such service in an  
31 effort to avoid any charge for service, ~~commits a misdemeanor of~~  
32 ~~the first degree, punishable as provided in s. 775.082 or s.~~  
33 ~~775.083.~~

34       (b) If a person violates subparagraph (a)1. and during the  
35 violation the subsequent emergency response results in bodily  
36 injury or property damage as a proximate result of lawful  
37 conduct arising out of the emergency response, the person  
38 commits a felony of the third degree, punishable as provided in  
39 s. 775.082, s. 775.083, or s. 775.084.

40       (c) After being convicted of unauthorized use of emergency  
41 communications services such service four times, a person who  
42 continues to engage in such unauthorized use commits a felony of  
43 the third degree, punishable as provided in s. 775.082, s.  
44 775.083, or s. 775.084.

45       (d) A court shall order any person convicted of violating  
46 this subsection to pay restitution to a responding public safety  
47 agency. The restitution must include the full payment of any  
48 cost incurred by such agency, including bodily injury or  
49 property damage caused by the response ~~In addition, if the value~~  
50 ~~of the service or the service charge obtained in a manner~~  
51 ~~prohibited by this subsection exceeds \$100, the person~~  
52 ~~committing the offense commits a felony of the third degree,~~  
53 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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