

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 false information into a telephone
 5 caller identification system with the intent to deceive,
 6 defraud, or mislead; prohibiting placing a call knowing
 7 that false information was entered into the telephone
 8 caller identification system; providing definitions;
 9 providing exceptions; providing for enhancement of
 10 penalties when a violation is committed during the
 11 commission of a criminal offense or when a violation
 12 facilitates a criminal offense; providing for application
 13 to sentencing and gain-time eligibility; providing
 14 penalties; providing that a violation is an unlawful trade
 15 practice under specified provisions; providing an
 16 effective date.

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

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

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

24 817.487 Telephone caller identification systems.--

25 (1) As used in this section:

26 (a) "Call" means any type of telephone call made using a
 27 plain old telephone service (POTS), wireless cellular telephone
 28 service, or voice-over-Internet protocol (VoIP) service that has

29 the capability of accessing users on the public switched
30 telephone network or a successor network.

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

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

35 (d) "False information" means data that misrepresents the
36 identity of the caller to the recipient of a call; however, when
37 a person making an authorized call on behalf of another person
38 inserts the name, telephone number, or name and telephone number
39 of the person on whose behalf the call is being made, such
40 information shall not be deemed false 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 false information into a
46 telephone caller identification system with the intent to
47 deceive, defraud, or mislead the recipient of a call.

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

52 (4) This section shall not apply to:

53 (a) The blocking of caller identification information.

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

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

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

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

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

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

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

74 5. In the case of a felony of the first degree or a felony
75 of the first degree punishable by a term of imprisonment not
76 exceeding life, the offense is reclassified as a life felony.

77 (b) For purposes of sentencing under chapter 921 and
78 determining incentive gain-time eligibility under chapter 944,
79 the following offense severity ranking levels apply:

80 1. An offense that is a misdemeanor of the first degree
81 and that is reclassified under this subsection as a felony of
82 the third degree is ranked in level 2 of the offense severity
83 ranking chart.

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84 2. A felony offense that is reclassified under this
85 subsection is ranked one level above the ranking specified in s.
86 921.0022 or s. 921.0023 for the offense committed.

87 (6) (a) Any person who violates subsection (2) or
88 subsection (3) commits a misdemeanor of the first degree,
89 punishable as provided in s. 775.082 or s. 775.083.

90 (b) Any violation of subsection (2) or subsection (3)
91 constitutes an unlawful trade practice under part II of chapter
92 501 and, in addition to any remedies or penalties set forth in
93 this section, is subject to any remedies or penalties available
94 for a violation of that part.

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