

By Senator Polsky

30-00458-23

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1 A bill to be entitled
2 An act relating to obscene or harassing telephone
3 calls; amending s. 365.16, F.S.; revising a
4 prohibition on telephone calls made for certain
5 purposes; increasing the classification of certain
6 offenses involving telephone calls; providing an
7 effective date.

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

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11 Section 1. Subsection (1) of section 365.16, Florida
12 Statutes, is amended to read:

13 365.16 Obscene or harassing telephone calls.—

14 (1) Whoever:

15 (a) Makes a telephone call and ~~to a location at which the~~
16 ~~person receiving the call has a reasonable expectation of~~
17 ~~privacy;~~ during such call makes any comment, request,
18 suggestion, or proposal which is obscene, lewd, lascivious,
19 filthy, vulgar, or indecent; and by such call or such language
20 intends to offend, annoy, abuse, threaten, or harass any person
21 at the called number;

22 (b) Makes a telephone call, whether or not conversation
23 ensues, without disclosing his or her identity and with intent
24 to annoy, abuse, threaten, or harass any person at the called
25 number;

26 (c) Makes or causes the telephone of another repeatedly or
27 continuously to ring, with intent to harass any person at the
28 called number; or

29 (d) Makes repeated telephone calls, during which

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30 conversation ensues, solely to harass any person at the called
31 number,

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33 commits ~~is guilty of a felony misdemeanor~~ of the third ~~second~~
34 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
35 s. 775.084.

36 Section 2. This act shall take effect October 1, 2023.