

By Senator Geller

31-732-04

1 A bill to be entitled
2 An act relating to unsolicited bulk electronic
3 mail; prohibiting the fraudulent use of a
4 computer or computer network to transmit
5 unsolicited bulk electronic mail; prohibiting
6 the sale, distribution, or possession of
7 software designed to facilitate the
8 falsification of information concerning the
9 transmission of electronic mail; providing
10 criminal penalties; providing enhanced
11 penalties based on the volume of electronic
12 mail transmitted or the amount of revenue
13 generated in violation of the act; providing an
14 effective date.

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

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18 Section 1. Use of fraudulent means to transmit
19 unsolicited bulk electronic mail prohibited; penalty.--

20 (1) A person may not:

21 (a) Use a computer or computer network with the intent
22 to falsify or forge electronic mail transmission information
23 or other routing information in any manner for the purpose of
24 transmitting unsolicited bulk electronic mail through or into
25 the computer network of an electronic mail service provider or
26 its subscribers.

27 (b) Knowingly sell, give, distribute, or possess with
28 the intent to sell, give, or distribute software that:

29 1. Is primarily designed or produced for the purpose
30 of facilitating or enabling the falsification of electronic
31 mail transmission information or other routing information;

1 2. Has only limited commercially significant purpose
2 or use other than to facilitate or enable the falsification of
3 electronic mail transmission information or other routing
4 information; or

5 3. Is marketed by that person acting alone or with
6 another for use in facilitating or enabling the falsification
7 of electronic mail transmission information or other routing
8 information.

9 (2) A person who violates paragraph (1)(a) or
10 paragraph (1)(b) commits a misdemeanor of the first degree,
11 punishable as provided in section 775.082 or section 775.083,
12 Florida Statutes.

13 (3) It is a felony of the third degree, punishable as
14 provided in section 775.082, section 775.083, or section
15 775.084, Florida Statutes, if a person violates paragraph
16 (1)(a) or paragraph (1)(b) and:

17 (a) The volume of unsolicited bulk electronic mail
18 transmitted in connection with the offense exceeds 10,000
19 attempted recipients in any 24-hour period; 100,000 attempted
20 recipients in any 30-day period; or 1 million attempted
21 recipients in any 1-year period; or

22 (b) The revenue generated in connection with the
23 offense from a specific unsolicited bulk electronic
24 transmission exceeds \$1,000 or the total revenue generated in
25 connection with the offense from all unsolicited bulk
26 electronic mail transmitted to any electronic mail service
27 provider exceeds \$50,000.

28 (4) Any person who knowingly hires, employs, uses, or
29 permits any minor to assist in a violation of paragraph (1)(a)
30 or paragraph (1)(b) commits a felony of the third degree,
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1 punishable as provided in section 775.082, section 775.083, or
2 section 775.084, Florida Statutes.

3 Section 2. This act shall take effect July 1, 2004.

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6 SENATE SUMMARY

7 Prohibits the use of fraudulent information to transmit
8 unsolicited bulk electronic mail. Prohibits the sale,
9 distribution, or possession of software designed to
10 enable the falsification of electronic mail transmission
11 information. Provides criminal penalties. (See bill for
12 details.)

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