

By Senator Ring

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1 A bill to be entitled
2 An act relating to offenses against computer users;
3 amending s. 815.03, F.S.; defining the term "spyware";
4 amending s. 815.06, F.S.; providing that whoever
5 willfully, knowingly, and without authorization introduces
6 any computer contaminant, including spyware, into any
7 computer, computer system, computer program, or computer
8 network commits an offense against computer users, a
9 felony of the third degree; providing enhanced criminal
10 penalties under certain circumstances; providing an
11 effective date.

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

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15 Section 1. Subsection (3) of section 815.03, Florida
16 Statutes, is amended, and subsection (12) is added to that
17 section, to read:

18 815.03 Definitions.--As used in this chapter, unless the
19 context clearly indicates otherwise:

20 (3) "Computer contaminant" means any set of computer
21 instructions designed to modify, damage, destroy, record, or
22 transmit information within a computer, computer system, or
23 computer network without the intent or permission of the owner of
24 the information. The term includes, but is not limited to, a
25 group of computer instructions commonly called viruses or worms
26 which are self-replicating or self-propagating and which are
27 designed to contaminate other computer programs or computer data;
28 consume computer resources; modify, destroy, record, or transmit
29 data; or in some other fashion usurp the normal operation of the

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30 computer, computer system, or computer network and includes
31 spyware.

32 (12) "Spyware" means computer instructions or software
33 installed into a computer, computer program, computer system, or
34 computer network which, without the informed consent of the
35 operator:

36 (a) Monitors the use of a computer, computer program,
37 computer system, or computer network.

38 (b) Allows a person or software to control the operator's
39 computer from another computer or electronic device.

40 Section 2. Subsection (1) of section 815.06, Florida
41 Statutes, is amended to read:

42 815.06 Offenses against computer users.--

43 (1) Whoever willfully, knowingly, and without
44 authorization:

45 (a) Accesses or causes to be accessed any computer,
46 computer system, or computer network;

47 (b) Disrupts or denies or causes the denial of computer
48 system services to an authorized user of such computer system
49 services, which, in whole or part, is owned by, under contract
50 to, or operated for, on behalf of, or in conjunction with
51 another;

52 (c) Destroys, takes, injures, or damages equipment or
53 supplies used or intended to be used in a computer, computer
54 system, or computer network;

55 (d) Destroys, injures, or damages any computer, computer
56 system, or computer network; or

57 (e) Introduces any computer contaminant or spyware into any
58 computer, computer system, or computer network,

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60 commits an offense against computer users.

61 Section 3. This act shall take effect July 1, 2008.