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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/19/2014	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Flores) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 76 - 181

and insert:

~~or~~ computer network, or electronic device to perform specified functions.

(6) "Computer services" include, but are not limited to, computer time; data processing or storage functions; or other uses of a computer, computer system, or computer network.



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10           (7) "Computer system" means a device or collection of  
11 devices, including support devices and electronic devices, one  
12 or more of which contain computer programs, electronic  
13 instructions, or input data and output data, and which perform  
14 functions, including, but not limited to, logic, arithmetic,  
15 data storage, retrieval, communication, or control. The term  
16 does not include calculators that are not programmable and that  
17 are not capable of being used in conjunction with external  
18 files.

19           (8) "Data" means a representation of information,  
20 knowledge, facts, concepts, computer software, computer  
21 programs, or instructions. Data may be in any form, in storage  
22 media or stored in the memory of the computer, or in transit or  
23 presented on a display device.

24           (9) "Electronic device" means a device that is capable of  
25 communicating across a computer network with other computers or  
26 devices for the purpose of transmitting, receiving, or storing  
27 data, including, but not limited to, a cellular telephone,  
28 tablet, or other portable device capable of communicating with  
29 or across a computer network.

30           ~~(10)~~~~(9)~~ "Financial instrument" means any check, draft,  
31 money order, certificate of deposit, letter of credit, bill of  
32 exchange, credit card, or marketable security.

33           ~~(11)~~~~(10)~~ "Intellectual property" means data, including  
34 programs.

35           ~~(12)~~~~(11)~~ "Property" means anything of value as defined in  
36 s. 812.012 and includes, but is not limited to, financial  
37 instruments, information, including electronically produced data  
38 and computer software and programs in ~~either~~ machine-readable or



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39 human-readable form, and any other tangible or intangible item  
40 of value.

41 Section 3. Section 815.04, Florida Statutes, is amended to  
42 read:

43 815.04 Offenses against intellectual property; public  
44 records exemption.—

45 (1) A person who ~~Whoever~~ willfully, knowingly, and without  
46 authorization modifies data, programs, or supporting  
47 documentation residing or existing internal or external to a  
48 computer, computer system, ~~or~~ computer network, or electronic  
49 device commits an offense against intellectual property.

50 (2) A person who ~~Whoever~~ willfully, knowingly, and without  
51 authorization destroys data, programs, or supporting  
52 documentation residing or existing internal or external to a  
53 computer, computer system, ~~or~~ computer network, or electronic  
54 device commits an offense against intellectual property.

55 (3) (a) Data, programs, or supporting documentation which is  
56 a trade secret as defined in s. 812.081 which resides or exists  
57 internal or external to a computer, computer system, ~~or~~ computer  
58 network, or electronic device which is held by an agency as  
59 defined in chapter 119 is confidential and exempt from the  
60 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
61 Constitution.

62 (b) A person who ~~Whoever~~ willfully, knowingly, and without  
63 authorization discloses or takes data, programs, or supporting  
64 documentation which is a trade secret as defined in s. 812.081  
65 or is confidential as provided by law residing or existing  
66 internal or external to a computer, computer system, ~~or~~ computer  
67 network, or electronic device commits an offense against



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68 intellectual property.

69 (4) (a) Except as otherwise provided in this subsection, an  
70 offense against intellectual property is a felony of the third  
71 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
72 775.084.

73 (b) If the offense is committed for the purpose of devising  
74 or executing any scheme or artifice to defraud or to obtain any  
75 property or personal information, ~~then~~ the person commits  
76 ~~offender is guilty of~~ a felony of the second degree, punishable  
77 as provided in s. 775.082, s. 775.083, or s. 775.084.

78 Section 4. Section 815.06, Florida Statutes, is amended to  
79 read:

80 815.06 Offenses against ~~computer~~ users of computer networks  
81 and electronic devices.-

82 (1) As used in this section, the term "person" means:

83 (a) An individual;

84 (b) A partnership, corporation, association, or other  
85 entity doing business in this state, or an officer, agent, or  
86 employee of such an entity; or

87 (c) An officer, employee, or agent of the state or a  
88 county, municipality, special district, or other political  
89 subdivision whether executive, judicial, or legislative,  
90 including, but not limited to, a department, division, bureau,  
91 commission, authority, district, or agency thereof.

92 (2) A person commits an offense against users of computer  
93 networks or electronic devices if he or she ~~whoever~~ willfully,  
94 knowingly, and without authorization:

95 (a) Accesses or causes to be accessed any computer,  
96 computer system, ~~or~~ computer network, or electronic device with



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97 knowledge that such access is unauthorized;

98 (b) Disrupts or denies or causes the denial of the ability  
99 to transmit data ~~computer system services~~ to or from an  
100 authorized user of such computer system, computer network, or  
101 electronic device services, which, in whole or in part, is owned  
102 by, under contract to, or operated for, on behalf of, or in  
103 conjunction with another;

104 (c) Destroys, takes, injures, or damages equipment or  
105 supplies used or intended to be used in a computer, computer  
106 system, ~~or~~ computer network, or electronic device;

107 (d) Destroys, injures, or damages any computer, computer  
108 system, ~~or~~ computer network, or electronic device; ~~or~~

109 (e) Introduces any computer contaminant into any computer,  
110 computer system, ~~or~~ computer network, or electronic device; or

111 (f) Gains unauthorized access to any inherent feature or  
112 component of a computer, computer system, computer network, or  
113 electronic device, including accessing the data or information  
114 of a computer, computer system, computer network, or electronic  
115 device which is stored by a third party, in order to engage in  
116 audio, video, or other surveillance of an individual. This  
117 paragraph does not apply to an employer who monitors employee  
118 use of a business computer, computer system, computer network,  
119 or electronic device or a parent who monitors his or her minor  
120 child's use of a computer, computer system, computer network, or  
121 electronic device.

122  
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete lines 4 - 20



126 and insert:  
127 s. 815.03, F.S.; defining and redefining terms;  
128 amending s. 815.04, F.S.; providing that a person who  
129 willfully, knowingly, and without authorization  
130 modifies or destroys data, programs, or supporting  
131 documentation residing or existing internal or  
132 external to an electronic device commits an offense  
133 against intellectual property; providing that a person  
134 who willfully, knowingly, and without authorization  
135 discloses or takes data, programs, or supporting  
136 documentation that is a trade secret or is  
137 confidential and that is residing or existing internal  
138 or external to an electronic device commits an offense  
139 against intellectual property; providing criminal  
140 penalties; providing that specified data, programs, or  
141 supporting documentation that resides or exists  
142 internal or external to an electronic device is  
143 confidential and exempt from public records  
144 requirements; providing a criminal penalty for  
145 devising or executing a scheme to defraud or obtain  
146 property or personal information; amending s. 815.06,  
147 F.S.; defining terms; providing that a person who  
148 willfully, knowingly, and without authorization  
149 accesses a computer, computer system, computer  
150 network, or electronic device, disrupts the ability to  
151 transmit data to or from a computer, computer system,  
152 computer network, or electronic device, damages a  
153 computer, computer system, computer network, or  
154 electronic device, or gains unauthorized access to a



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155 computer, computer system, computer network, or  
156 electronic device in order to engage in specified  
157 surveillance of an individual commits an offense  
158 against the users