

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative La Rosa offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 122-274 and insert:

7 (3)~~(a)~~ Data, programs, or supporting documentation which
 8 is a trade secret as defined in s. 812.081 which resides or
 9 exists internal or external to a computer, computer system, or
 10 computer network which is held by an agency as defined in
 11 chapter 119 is confidential and exempt from the provisions of s.
 12 119.07(1) and s. 24(a), Art. I of the State Constitution.

13 (4)~~(b)~~ A person who ~~Whoever~~ willfully, knowingly, and
 14 without authorization discloses or takes data, programs, or
 15 supporting documentation that ~~which~~ is a trade secret as defined
 16 in s. 812.081 or is confidential as provided by law residing or
 17 existing internal or external to a computer, computer system, ~~or~~

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18 computer network, or electronic device commits an offense
19 against intellectual property.

20 (5)-(4)(a) Except as otherwise provided in this subsection,
21 an offense against intellectual property is a felony of the
22 third degree, punishable as provided in s. 775.082, s. 775.083,
23 or s. 775.084.

24 (b) If the offense is committed for the purpose of
25 devising or executing any scheme or artifice to defraud or to
26 obtain any property, ~~then the person commits~~ offender is guilty
27 ~~of~~ a felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 4. Section 815.06, Florida Statutes, is amended to
30 read:

31 815.06 Offenses against ~~computer~~ users of computer
32 networks and electronic devices.-

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

34 (a) An individual;

35 (b) A partnership, corporation, association, or other
36 entity doing business in this state, or an officer, agent, or
37 employee of such an entity; or

38 (c) An officer, employee, or agent of the state or a
39 county, municipality, special district, or other political
40 subdivision whether executive, judicial, or legislative,
41 including, but not limited to, a department, division, bureau,
42 commission, authority, district, or agency thereof.

43 (2) A person commits an offense against users of computer

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44 networks or electronic devices if he or she ~~Whoever~~ willfully,
45 knowingly, and without authorization:

46 (a) Accesses or causes to be accessed any computer,
47 computer system, ~~or~~ computer network, or electronic device with
48 knowledge that such access is unauthorized;

49 (b) Disrupts or denies or causes the denial of the ability
50 to transmit data ~~computer system services~~ to or from an
51 authorized user of a ~~such~~ computer system or computer network
52 services, which, in whole or in part, is owned by, under
53 contract to, or operated for, on behalf of, or in conjunction
54 with another;

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

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

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

62 (f) Engages in audio or video surveillance of an
63 individual without that individual's knowledge by accessing any
64 inherent feature or component of a computer, computer system,
65 computer network, or electronic device, including accessing the
66 data or information of a computer, computer system, computer
67 network, or electronic device that is stored by a third party
68 ~~commits an offense against computer users.~~

69 (3)(2)(a) Except as provided in paragraphs (b) and (c), a

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70 person who ~~whoever~~ violates subsection (2) ~~(1)~~ commits a felony
71 of the third degree, punishable as provided in s. 775.082, s.
72 775.083, or s. 775.084.

73 (b) A person commits a felony of the second degree,
74 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
75 if he or she ~~whoever~~ violates subsection (2) ~~(1)~~ and:

76 1. Damages a computer, computer equipment or supplies,
77 ~~computer supplies,~~ a computer system, or a computer network, and
78 the monetary damage or loss incurred as a result of the
79 violation is at least \$5,000 ~~or greater;~~

80 2. Commits the offense for the purpose of devising or
81 executing any scheme or artifice to defraud or obtain property;
82 ~~or~~

83 3. Interrupts or impairs a governmental operation or
84 public communication, transportation, or supply of water, gas,
85 or other public service; or

86 4. Intentionally interrupts the transmittal of data to or
87 from, or gains unauthorized access to, a computer, computer
88 system, computer network, or electronic device belonging to any
89 mode of public or private transit, as defined in s. 341.031,
90 ~~commits a felony of the second degree, punishable as provided in~~
91 ~~s. 775.082, s. 775.083, or s. 775.084.~~

92 (c) A person who ~~whoever~~ violates subsection (2) ~~(1)~~ and
93 ~~the violation endangers human life~~ commits a felony of the first
94 degree, punishable as provided in s. 775.082, s. 775.083, or s.
95 775.084, if the violation:

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96 1. Endangers human life; or

97 2. Disrupts a computer, computer system, computer network,
98 or electronic device that affects medical equipment used in the
99 direct administration of medical care or treatment to a person.

100 ~~(4)-(3)~~ A person who ~~Whoever~~ willfully, knowingly, and
101 without authorization modifies equipment or supplies used or
102 intended to be used in a computer, computer system, ~~or~~ computer
103 network, or electronic device commits a misdemeanor of the first
104 degree, punishable as provided in s. 775.082 or s. 775.083.

105 ~~(5)-(4)~~ (a) In addition to any other civil remedy available,
106 the owner or lessee of the computer, computer system, computer
107 network, computer program, computer equipment or supplies,
108 electronic device, computer supplies, or computer data may bring
109 a civil action against a any person convicted under this section
110 for compensatory damages.

111 (b) In an any action brought under this subsection, the
112 court may award reasonable attorney ~~attorney's~~ fees to the
113 prevailing party.

114 ~~(6)-(5)~~ A Any computer, computer system, computer network,
115 computer software, ~~or~~ computer data, or electronic device owned
116 by a defendant which is used during the commission of a any
117 violation of this section or a any computer or electronic device
118 owned by the defendant which is used as a repository for the
119 storage of software or data obtained in violation of this
120 section is subject to forfeiture as provided under ss. 932.701-
121 932.704.

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122 (7)(6) This section does not apply to a any person who:

123 (a) accesses his or her employer's computer system,
124 computer network, computer program, ~~or~~ computer data, or
125 electronic device when acting within the scope of his or her
126 lawful employment; or

127 (b) Has acted pursuant to a search warrant or to an
128 exception to a search warrant authorized by law or when acting
129 within the scope of his or her lawful employment.

130 (8)(7) For purposes of bringing a civil or criminal action
131 under this section, a person who causes, by any means, the
132 access to a computer, computer system, ~~or~~ computer network, or
133 electronic device in one jurisdiction from another jurisdiction
134 is deemed to have personally accessed the computer, computer
135 system, ~~or~~ computer network, or electronic device in both
136 jurisdictions.

137 Section 5. Section 815.061, Florida Statutes, is created
138 to read:

139 815.061 Offenses against public utilities.—

140 (1) As used in this section, the term "public utility"
141 includes each public utility and electric utility as those terms
142 are defined in s. 366.02; each utility as defined in s. 367.021;
143 each natural gas transmission company as defined in s. 368.103;
144 each person, corporation, partnership, association, public
145 agency, municipality, cooperative, gas district, or other legal
146 entity and their lessees, trustees, or receivers, now or
147 hereafter owning, operating, managing, or controlling gas

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148 transmission or distribution facilities or any other facility
149 supplying or storing natural or manufactured gas or liquefied
150 gas with air admixture or any similar gaseous substances by
151 pipeline to or for the public within this state; and any
152 separate legal entity created under s. 163.01 and composed of
153 any of the entities described in this subsection for the purpose
154 of providing utility services in this state, including wholesale
155 power and electric transmission services.

156 (2) A person may not willfully, knowingly, and without
157 authorization:

158 (a) Gain access to a computer, computer system, computer
159 network, or electronic device owned, operated, or used by a
160 public utility while knowing that such access is unauthorized.

161 (b) Physically tamper with, insert software into, or
162 otherwise transmit commands or electronic communications to a
163 computer, computer system, computer network, or electronic
164 device which cause a disruption in any service delivered by a
165 public utility.

166 (3) (a) A person who violates paragraph (2) (a) commits a
167 felony of the third degree, punishable as provided in s.
168 775.082, s. 775.083, or s. 775.084.

169 (b) A person who violates paragraph (2) (b) commits a
170 felony of the second degree, punishable as provided in s.
171 775.082, s. 775.083, or s. 775.084.

172

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173 Section 6. Paragraphs (a) and (c) of subsection (3) of
 174 section 921.0022, Florida Statutes, are amended to read:

175 921.0022 Criminal Punishment Code; offense severity
 176 ranking chart.—

177 (3) OFFENSE SEVERITY RANKING CHART

178 (a) LEVEL 1

179

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or

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identification number plate.

185

319.35(1)(a) 3rd Tamper, adjust, change, etc.,
an odometer.

186

320.26(1)(a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation stickers.

187

322.212 3rd Possession of forged, stolen,
(1)(a)-(c) counterfeit, or unlawfully
issued driver's license;
possession of simulated
identification.

188

322.212(4) 3rd Supply or aid in supplying
unauthorized driver's license
or identification card.

189

322.212(5)(a) 3rd False application for driver's
license or identification card.

190

414.39(2) 3rd Unauthorized use, possession,
forgery, or alteration of food
assistance program, Medicaid
ID, value greater than \$200.

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191	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
192	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
193	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
194	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
195	562.27(1)	3rd	Possess still or still apparatus.
196	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
197			

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198	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
199	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
200	815.04 (5) (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
201	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
202	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
203	826.01	3rd	Bigamy.
204	828.122(3)	3rd	Fighting or baiting animals.
	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map,

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plat, or other document listed
in s. 92.28.

205

831.31(1)(a) 3rd Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03(5) drugs.

206

832.041(1) 3rd Stopping payment with intent to
defraud \$150 or more.

207

832.05(2)(b) & 3rd Knowing, making, issuing
(4)(c) worthless checks \$150 or more
or obtaining property in return
for worthless check \$150 or
more.

208

838.15(2) 3rd Commercial bribe receiving.

209

838.16 3rd Commercial bribery.

210

843.18 3rd Fleeing by boat to elude a law
enforcement officer.

211

847.011(1)(a) 3rd Sell, distribute, etc.,
obscene, lewd, etc., material

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(2nd conviction).

212

849.01 3rd Keeping gambling house.

213

849.09(1)(a)-(d) 3rd Lottery; set up, promote, etc.,
or assist therein, conduct or
advertise drawing for prizes,
or dispose of property or money
by means of lottery.

214

849.23 3rd Gambling-related machines;
"common offender" as to
property rights.

215

849.25(2) 3rd Engaging in bookmaking.

216

860.08 3rd Interfere with a railroad
signal.

217

860.13(1)(a) 3rd Operate aircraft while under
the influence.

218

893.13(2)(a)2. 3rd Purchase of cannabis.

219

893.13(6)(a) 3rd Possession of cannabis (more
than 20 grams).

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934.03(1)(a) 3rd Intercepts, or procures any
other person to intercept, any
wire or oral communication.

(c) LEVEL 3

Florida	Felony	
Statute	Degree	Description

119.10(2)(b) 3rd Unlawful use of confidential
information from police
reports.

316.066 3rd Unlawfully obtaining or using
(3)(b)-(d) confidential crash reports.

316.193(2)(b) 3rd Felony DUI, 3rd conviction.

316.1935(2) 3rd Fleeing or attempting to elude
law enforcement officer in
patrol vehicle with siren and
lights activated.

319.30(4) 3rd Possession by junkyard of motor
vehicle with identification

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number plate removed.

229

319.33(1) (a) 3rd Alter or forge any certificate
of title to a motor vehicle or
mobile home.

230

319.33(1) (c) 3rd Procure or pass title on stolen
vehicle.

231

319.33(4) 3rd With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

232

327.35(2) (b) 3rd Felony BUI.

233

328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

234

328.07(4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

235

376.302(5) 3rd Fraud related to reimbursement

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for cleanup expenses under the
Inland Protection Trust Fund.

236

379.2431
(1) (e) 5.

3rd

Taking, disturbing, mutilating,
destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

237

379.2431
(1) (e) 6.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine Turtle
Protection Act.

238

400.9935 (4)

3rd

Operating a clinic without a
license or filing false license
application or other required
information.

239

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making such a

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report.

240

501.001 (2) (b) 2nd Tampers with a consumer product
or the container using
materially false/misleading
information.

241

624.401 (4) (a) 3rd Transacting insurance without a
certificate of authority.

242

624.401 (4) (b) 1. 3rd Transacting insurance without a
certificate of authority;
premium collected less than
\$20,000.

243

626.902 (1) (a) & 3rd Representing an unauthorized
(b) insurer.

244

697.08 3rd Equity skimming.

245

790.15 (3) 3rd Person directs another to
discharge firearm from a
vehicle.

246

796.05 (1) 3rd Live on earnings of a
prostitute.

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247	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
248	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
249	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
250	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
251	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
252	815.04 (5) (4) (b)	2nd	Computer offense devised to defraud or obtain property.
253	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud

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Act), property valued at less than \$20,000.

254

817.233 3rd Burning to defraud insurer.

255

817.234 3rd Unlawful solicitation of
(8) (b) - (c) persons involved in motor
vehicle accidents.

256

817.234(11) (a) 3rd Insurance fraud; property value
less than \$20,000.

257

817.236 3rd Filing a false motor vehicle
insurance application.

258

817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

259

817.413(2) 3rd Sale of used goods as new.

260

817.505(4) 3rd Patient brokering.

261

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,

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serious physical injury, or
death.

262

831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument.

263

831.29 2nd Possession of instruments for
counterfeiting drivers'
licenses or identification
cards.

264

838.021(3)(b) 3rd Threatens unlawful harm to
public servant.

265

843.19 3rd Injure, disable, or kill police
dog or horse.

266

860.15(3) 3rd Overcharging for repairs and
parts.

267

870.01(2) 3rd Riot; inciting or encouraging.

268

893.13(1)(a)2. 3rd Sell, manufacture, or deliver
cannabis (or other s.

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893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs).

269

893.13(1)(d)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 within 1,000 feet of
 university.

270

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 within 1,000 feet of public
 housing facility.

271

893.13(6)(a) 3rd Possession of any controlled
 substance other than felony
 possession of cannabis.

272

893.13(7)(a)8. 3rd Withhold information from

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practitioner regarding previous receipt of or prescription for a controlled substance.

273

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

274

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

275

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

276

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

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277
893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

278
893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

279
893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

280
918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

281
944.47 3rd Introduce contraband to
(1)(a)1.-2. correctional facility.

282

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944.47(1)(c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

283

985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

284

Section 7. This act shall take effect October 1, 2014

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T I T L E A M E N D M E N T

291

Remove lines 10-28 and insert:

292

offense against intellectual property; providing that a person

293

who willfully, knowingly, and without authorization discloses or

294

takes data, programs, or supporting documentation that is a

295

trade secret or is confidential as provided by law residing or

296

existing internal or external to a computer, computer system,

297

computer network, or electronic device commits an offense

298

against intellectual property; providing criminal penalties;

299

amending s. 815.06, F.S.; defining terms; providing that a

300

person who willfully, knowingly, and without authorization

301

accesses a computer network or electronic device, disrupts the

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302 ability to transmit data to or from a computer network or
303 electronic device, damages a computer network or electronic
304 device, or engages in the audio or video surveillance of an
305 individual without the individual's knowledge by accessing a
306 computer network or electronic device commits an offense against
307 the users of computer networks and electronic devices; providing
308 exceptions; providing criminal penalties; creating s. 815.061,
309 F.S.; defining the term "public utility"; prohibiting a person
310 from willfully, knowingly, and without authorization engaging in
311 specified activities against a computer, computer system,
312 computer network, or electronic device owned, operated, or used
313 by a public utility; providing criminal penalties; amending s.
314 921.0022(3)(a) and (c), F.S., relating to the Criminal
315 Punishment Code, to incorporate the amendment made to s 815.04,
316 F.S., in a reference thereto;

317