

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative La Rosa offered the following:

Amendment (with title amendment)

5 Remove lines 91-317 and insert:

6 transmit data; or in some other fashion usurp or interfere with
 7 the normal operation of the computer, computer system, or
 8 computer network.

9 (4) "Computer network" means a system that provides a
 10 medium for communication between one or more computer systems or
 11 electronic devices, including communication with an input or
 12 output device such as a display terminal, printer, or other
 13 electronic equipment that is connected to the computer systems
 14 or electronic devices by physical or wireless telecommunication
 15 facilities ~~any system that provides communications between one~~
 16 ~~or more computer systems and its input or output devices,~~
 17 ~~including, but not limited to, display terminals and printers~~

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18 ~~that are connected by telecommunication facilities.~~

19 (5) "Computer program or computer software" means a set of
20 instructions or statements and related data which, when executed
21 in actual or modified form, cause a computer, computer system,
22 or computer network to perform specified functions.

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

26 (7) "Computer system" means a device or collection of
27 devices, including support devices, one or more of which contain
28 computer programs, electronic instructions, or input data and
29 output data, and which perform functions, including, but not
30 limited to, logic, arithmetic, data storage, retrieval,
31 communication, or control. The term does not include calculators
32 that are not programmable and that are not capable of being used
33 in conjunction with external files.

34 (8) "Data" means a representation of information,
35 knowledge, facts, concepts, computer software, computer
36 programs, or instructions. Data may be in any form, in storage
37 media or stored in the memory of the computer, or in transit or
38 presented on a display device.

39 (9) "Electronic device" means a device or a portion of a
40 device that is designed for and capable of communicating across
41 a computer network with other computers or devices for the
42 purpose of transmitting, receiving, or storing data, including,
43 but not limited to, a cellular telephone, tablet, or other

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44 portable device designed for and capable of communicating with
45 or across a computer network and that is actually used for such
46 purpose.

47 (10)-(9) "Financial instrument" means any check, draft,
48 money order, certificate of deposit, letter of credit, bill of
49 exchange, credit card, or marketable security.

50 (11)-(10) "Intellectual property" means data, including
51 programs.

52 (12)-(11) "Property" means anything of value as defined in
53 s. 812.012 and includes, but is not limited to, financial
54 instruments, information, including electronically produced data
55 and computer software and programs in ~~either~~ machine-readable or
56 human-readable form, and any other tangible or intangible item
57 of value.

58 Section 4. Section 815.04, Florida Statutes, is amended to
59 read:

60 815.04 Offenses against intellectual property; public
61 records exemption.—

62 (1) A person who ~~Whoever~~ willfully, knowingly, and without
63 authorization introduces a computer contaminant or modifies or
64 renders unavailable data, programs, or supporting documentation
65 residing or existing internal or external to a computer,
66 computer system, ~~or~~ computer network, or electronic device
67 commits an offense against intellectual property.

68 (2) A person who ~~Whoever~~ willfully, knowingly, and without
69 authorization destroys data, programs, or supporting

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70 documentation residing or existing internal or external to a
71 computer, computer system, ~~or~~ computer network, or electronic
72 device commits an offense against intellectual property.

73 (3)~~(a)~~ Data, programs, or supporting documentation which
74 is a trade secret as defined in s. 812.081 which resides or
75 exists internal or external to a computer, computer system, or
76 computer network which is held by an agency as defined in
77 chapter 119 is confidential and exempt from the provisions of s.
78 119.07(1) and s. 24(a), Art. I of the State Constitution.

79 (4)~~(b)~~ A person who ~~Whoever~~ willfully, knowingly, and
80 without authorization discloses or takes data, programs, or
81 supporting documentation that ~~which~~ is a trade secret as defined
82 in s. 812.081 or is confidential as provided by law residing or
83 existing internal or external to a computer, computer system, ~~or~~
84 computer network, or electronic device commits an offense
85 against intellectual property.

86 (5)~~(4)~~(a) Except as otherwise provided in this subsection,
87 an offense against intellectual property is a felony of the
88 third degree, punishable as provided in s. 775.082, s. 775.083,
89 or s. 775.084.

90 (b) If the offense is committed for the purpose of
91 devising or executing any scheme or artifice to defraud or to
92 obtain any property, ~~then the~~ person commits ~~offender is guilty~~
93 ~~of~~ a felony of the second degree, punishable as provided in s.
94 775.082, s. 775.083, or s. 775.084.

95 Section 5. Section 815.06, Florida Statutes, is amended to

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96 read:

97 815.06 Offenses against ~~computer~~ users of computers,
98 computer systems, computer networks and electronic devices.—

99 (1) As used in this section, the term "user" means a person
100 with the authority to operate or maintain a computer, computer
101 system, computer network, or electronic device.

102 (2) A person commits an offense against users of
103 computers, computer systems, computer networks or electronic
104 devices if he or she ~~whoever~~ willfully, knowingly, and without
105 authorization:

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

109 (b) Disrupts or denies or causes the denial of the ability
110 to transmit data ~~computer system services~~ to or from an
111 authorized user of a ~~such~~ computer, computer system, computer
112 network or electronic device ~~services~~, which, in whole or in
113 part, is owned by, under contract to, or operated for, on behalf
114 of, or in conjunction with another;

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

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

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

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122 (f) Engages in audio or video surveillance of an
123 individual by accessing any inherent feature or component of a
124 computer, computer system, computer network, or electronic
125 device, including accessing the data or information of a
126 computer, computer system, computer network, or electronic
127 device that is stored by a third party
128 ~~commits an offense against computer users.~~

129 (3)-(2)(a) Except as provided in paragraphs (b) and (c), a
130 person who ~~whoever~~ violates subsection (2) (1) commits a felony
131 of the third degree, punishable as provided in s. 775.082, s.
132 775.083, or s. 775.084.

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

136 1. Damages a computer, computer equipment or supplies,
137 ~~computer supplies,~~ a computer system, or a computer network, and
138 the ~~monetary~~ damage or loss incurred as a result of the
139 ~~violation~~ is at least \$5,000 or greater;

140 2. Commits the offense for the purpose of devising or
141 executing any scheme or artifice to defraud or obtain property;
142 ~~or~~

143 3. Interrupts or impairs a governmental operation or
144 public communication, transportation, or supply of water, gas,
145 or other public service; or

146 4. Intentionally interrupts the transmittal of data to or
147 from, or gains unauthorized access to, a computer, computer

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148 system, computer network, or electronic device belonging to any
149 mode of public or private transit, as defined in s. 341.031,
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151 ~~commits a felony of the second degree, punishable as provided in~~
152 ~~s. 775.082, s. 775.083, or s. 775.084.~~

153 (c) A person who ~~Whoever~~ violates subsection (2) ~~(1)~~ and
154 ~~the violation endangers human life~~ commits a felony of the first
155 degree, punishable as provided in s. 775.082, s. 775.083, or s.
156 775.084, if the violation:

157 1. Endangers human life; or
158 2. Disrupts a computer, computer system, computer network,
159 or electronic device that affects medical equipment used in the
160 direct administration of medical care or treatment to a person.

161 ~~(4)(3)~~ A person who ~~Whoever~~ willfully, knowingly, and
162 without authorization modifies equipment or supplies used or
163 intended to be used in a computer, computer system, ~~or~~ computer
164 network, or electronic device commits a misdemeanor of the first
165 degree, punishable as provided in s. 775.082 or s. 775.083.

166 ~~(5)(4)~~(a) In addition to any other civil remedy available,
167 the owner or lessee of the computer, computer system, computer
168 network, computer program, computer equipment or supplies,
169 electronic device, computer supplies, or computer data may bring
170 a civil action against a any person convicted under this section
171 for compensatory damages.

172 (b) In an any action brought under this subsection, the
173 court may award reasonable attorney ~~attorney's~~ fees to the

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174 prevailing party.

175 (6)-(5) A Any computer, computer system, computer network,
176 computer software, ~~or~~ computer data, or electronic device owned
177 by a defendant that which is used during the commission of a any
178 violation of this section or a any computer or electronic device
179 owned by the defendant that which is used as a repository for
180 the storage of software or data obtained in violation of this
181 section is subject to forfeiture as provided under ss. 932.701-
182 932.704.

183 (7)-(6) This section does not apply to a any person who:

184 (a) Accesses his or her employer's computer system,
185 computer network, computer program, ~~or~~ computer data, or
186 electronic device when acting within the scope of his or her
187 lawful employment; or

188 (b) Has acted pursuant to a search warrant or to an
189 exception to a search warrant authorized by law, or when acting
190 within the scope of his or her lawful employment, or authorized
191 security operations of a government or business.

192 (8)-(7) For purposes of bringing a civil or criminal action
193 under this section, a person who causes, by any means, the
194 access to a computer, computer system, ~~or~~ computer network, or
195 electronic device in one jurisdiction from another jurisdiction
196 is deemed to have personally accessed the computer, computer
197 system, ~~or~~ computer network, or electronic device in both
198 jurisdictions.

199 (9) This chapter does not impose liability on a provider

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200 of an interactive computer service as defined in 47 U.S.C.
201 230(f), information service as defined in 47 U.S.C. 153, or
202 communications service as defined in s. 202.11 that provides the
203 transmission, storage, or caching of electronic communications
204 or messages of others; other related telecommunications or
205 commercial mobile radio service; or content provided by another
206 person.

207 Section 6. Section 815.061, Florida Statutes, is created
208 to read:

209 815.061 Offenses against public utilities.-

210 (1) As used in this section, the term "public utility"
211 includes:

212 (a) A public utility or electric utility as defined in s.
213 366.02.

214 (b) A utility as defined in s. 367.021.

215 (c) A natural gas transmission company as defined in s.
216 368.103.

217 (d) A person, corporation, partnership, association,
218 public agency, municipality, cooperative, gas district, or other
219 legal entity and their lessees, trustees, or receivers, now or
220 hereafter owning, operating, managing, or controlling gas
221 transmission or distribution facilities or any other facility
222 supplying or storing natural or manufactured gas or liquefied
223 gas with air admixture or any similar gaseous substances by
224 pipeline to or for the public within this state.

225 (e) A separate legal entity created under s. 163.01 and

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226 composed of any of the entities described in this subsection for
227 the purpose of providing utility services in this state,
228 including wholesale power and electric transmission services.

229 (2) A person may not willfully, knowingly, and without
230 authorization:

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

234 (b) Physically tamper with, insert a computer contaminant
235 into, or

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

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Remove lines 8-30 and insert:

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authorization introduces a computer contaminant or modifies or

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renders data unavailable or destroys data, programs, or

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supporting documentation residing or existing internal or

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external to an electronic device commits an offense against

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intellectual property; providing that a person who willfully,

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knowingly, and without authorization discloses or takes data,

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programs, or supporting documentation that is a trade secret or

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is confidential as provided by law residing or existing internal

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or external to an electronic device commits an offense against

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intellectual property; providing criminal penalties; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 641 (2014)

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252 815.06, F.S.; defining the term "user"; providing that a person
253 who willfully, knowingly, and without authorization accesses an
254 electronic device, disrupts the ability to transmit data to or
255 from a user of computer network services, damages an electronic
256 device or equipment or supplies used by an electronic device,
257 introduces a computer contaminant into an electronic device, or
258 engages in the audio or video surveillance of an individual
259 without the individual's knowledge by accessing a computer,
260 computer system, computer network, or electronic device commits
261 an offense against the users of computers, computer services,
262 computer networks and electronic
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