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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
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The Committee on Communications, Energy, and Public Utilities
(Hukill) recommended the following:

Senate Amendment

Delete lines 41 - 90
and insert:

(1) "Authorized user" means, with respect to a protected
computer:

(a) A director, officer, or employee of the owner,
operator, or lessee of the computer or the owner of information
stored in the protected computer.

(b) A third-party agent, contractor, consultant, or



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11 employee of the owner, operator, or lessee of the computer or
12 the owner of information stored in the protected computer if the
13 third-party agent, contractor, consultant, or employee is
14 granted access to the protected computer by the owner, operator,
15 or lessee of the protected computer or by the owner of
16 information stored in such protected computer in the form of a
17 technological access barrier.

18
19 If the owner, operator, or lessee of the computer or the owner
20 of information stored in the protected computer provides a
21 third-party agent, contractor, consultant, or employee with a
22 technological access barrier within the scope of his or her
23 employment, the owner, operator, or lessee of the computer or
24 the owner of information stored in the protected computer gives
25 explicit permission to the third-party agent, contractor,
26 consultant, or employee to use the technological access barrier
27 and establishes the third-party agent, contractor, consultant,
28 or employee as an authorized user. Such permission, however, is
29 terminated upon cessation of his or her employment.

30 (2) "Business" means any trade or business regardless of
31 its for-profit or not-for-profit status.

32 (3) "Computer" means an electronic, magnetic, optical,
33 electrochemical, or other high-speed data processing device that
34 performs logical, arithmetic, or storage functions and includes
35 any data storage facility, data storage device, or
36 communications facility directly related to, or operating in
37 conjunction with, the device.

38 (4) "Harm" means any impairment to the integrity, access,
39 or availability of data, programs, systems, or information.



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- 40 (5) "Loss" means any of the following:
41 (a) Any reasonable cost incurred by the owner, operator, or
42 lessee of a protected computer or the owner of stored
43 information, including the reasonable cost of conducting a
44 damage assessment for harm associated with the violation and the
45 reasonable cost for remediation efforts, such as restoring the
46 data, programs, systems, or information to the condition it was
47 in before the violation.
48 (b) Economic damages.
49 (c) Lost profits.
50 (d) Consequential damages, including the interruption of
51 service.
52 (e) Profits earned by a violator as a result of the
53 violation.
54 (6) "Protected computer" means a computer that is used in
55 connection with the operation of a business and stores
56 information, programs, or code in connection with the operation
57 of the business in which the stored information, programs, or
58 code can be accessed only by employing a technological access
59 barrier.
60 (7) "Technological access barrier" means a password,
61 security code, token, key fob, access device, or similar
62 measure.
63 (8) "Traffic" means to sell, purchase, or deliver.
64 (9) "Without authorization" means access to a protected
65 computer by a person who:
66 (a) Is not an authorized user;
67 (b) Has stolen a technological access barrier of an
68 authorized user; or



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69 (c) Circumvents a technological access barrier on a
70 protected computer without the express or implied permission of
71 the owner, operator, or lessee of the computer or the express or
72 implied permission of the owner of information stored in the
73 protected computer. The term does not include circumventing a
74 technological measure that does not effectively control access
75 to the protected computer or the information stored in the
76 protected computer.

77 Section 2. Section 668.803, Florida Statutes, is created to
78 read:

79 668.803 Prohibited acts.—A person who knowingly and with
80 intent to cause harm or loss:

81 (1) Obtains information from a protected computer without
82 authorization and, as a result, causes harm or loss;

83 (2) Causes the transmission of a program, code, or command
84 to a protected computer without authorization and, as a result