

1 A bill to be entitled
 2 An act relating to offenses involving computers;
 3 amending s. 784.048, F.S.; revising the definition of
 4 the term "cyberstalk"; providing criminal penalties;
 5 amending s. 815.03, F.S.; revising the definition of
 6 the term "access"; amending s. 815.06, F.S.; revising
 7 conduct constituting an offense against users of
 8 computers, computer systems, computer networks, or
 9 electronic devices; providing criminal penalties;
 10 reenacting s. 1006.147(3)(e), F.S., relating to
 11 bullying and harassment, to incorporate the amendments
 12 made by the act; providing an effective date.

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

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 16 Section 1. Paragraph (d) of subsection (1) of section
 17 784.048, Florida Statutes, is amended, and subsections (2), (3),
 18 (4), (5), and (7) of that section are republished, to read:

19 784.048 Stalking; definitions; penalties.—

20 (1) As used in this section, the term:

21 (d) "Cyberstalk" means:

22 1. To engage in a course of conduct to communicate, or to
 23 cause to be communicated, words, images, or language by or
 24 through the use of electronic mail or electronic communication,
 25 directed at a specific person; or

26 2. To access, or attempt to access the online accounts or
27 Internet-connected home electronic systems of another person
28 without that person's permission,

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30 causing substantial emotional distress to that person and
31 serving no legitimate purpose.

32 (2) A person who willfully, maliciously, and repeatedly
33 follows, harasses, or cyberstalks another person commits the
34 offense of stalking, a misdemeanor of the first degree,
35 punishable as provided in s. 775.082 or s. 775.083.

36 (3) A person who willfully, maliciously, and repeatedly
37 follows, harasses, or cyberstalks another person and makes a
38 credible threat to that person commits the offense of aggravated
39 stalking, a felony of the third degree, punishable as provided
40 in s. 775.082, s. 775.083, or s. 775.084.

41 (4) A person who, after an injunction for protection
42 against repeat violence, sexual violence, or dating violence
43 pursuant to s. 784.046, or an injunction for protection against
44 domestic violence pursuant to s. 741.30, or after any other
45 court-imposed prohibition of conduct toward the subject person
46 or that person's property, knowingly, willfully, maliciously,
47 and repeatedly follows, harasses, or cyberstalks another person
48 commits the offense of aggravated stalking, a felony of the
49 third degree, punishable as provided in s. 775.082, s. 775.083,
50 or s. 775.084.

51 (5) A person who willfully, maliciously, and repeatedly
 52 follows, harasses, or cyberstalks a child under 16 years of age
 53 commits the offense of aggravated stalking, a felony of the
 54 third degree, punishable as provided in s. 775.082, s. 775.083,
 55 or s. 775.084.

56 (7) A person who, after having been sentenced for a
 57 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
 58 prohibited from contacting the victim of the offense under s.
 59 921.244, willfully, maliciously, and repeatedly follows,
 60 harasses, or cyberstalks the victim commits the offense of
 61 aggravated stalking, a felony of the third degree, punishable as
 62 provided in s. 775.082, s. 775.083, or s. 775.084.

63 Section 2. Subsection (1) of section 815.03, Florida
 64 Statutes, is amended to read:

65 815.03 Definitions.—As used in this chapter, unless the
 66 context clearly indicates otherwise:

67 (1) "Access" means to approach, instruct, communicate
 68 with, store data in, retrieve data from, or otherwise make use
 69 of any resources of a computer, computer system, ~~or~~ computer
 70 network, or electronic device.

71 Section 3. Subsection (2) of section 815.06, Florida
 72 Statutes, is amended, and subsection (3) of that section is
 73 republished, to read:

74 815.06 Offenses against users of computers, computer
 75 systems, computer networks, and electronic devices.—

76 (2) A person commits an offense against users of
77 computers, computer systems, computer networks, or electronic
78 devices if he or she willfully, knowingly, and without
79 authorization or exceeding authorization:

80 (a) Accesses or causes to be accessed any computer,
81 computer system, computer network, or electronic device with
82 knowledge that such access is unauthorized or the manner of use
83 exceeds authorization;

84 (b) Disrupts or denies or causes the denial of the ability
85 to transmit data to or from an authorized user of a computer,
86 computer system, computer network, or electronic device, which,
87 in whole or in part, is owned by, under contract to, or operated
88 for, on behalf of, or in conjunction with another;

89 (c) Destroys, takes, injures, or damages equipment or
90 supplies used or intended to be used in a computer, computer
91 system, computer network, or electronic device;

92 (d) Destroys, injures, or damages any computer, computer
93 system, computer network, or electronic device;

94 (e) Introduces any computer contaminant into any computer,
95 computer system, computer network, or electronic device; or

96 (f) Engages in audio or video surveillance of an
97 individual by accessing any inherent feature or component of a
98 computer, computer system, computer network, or electronic
99 device, including accessing the data or information of a
100 computer, computer system, computer network, or electronic

101 device that is stored by a third party.

102 (3) (a) Except as provided in paragraphs (b) and (c), a
103 person who violates subsection (2) commits a felony of the third
104 degree, punishable as provided in s. 775.082, s. 775.083, or s.
105 775.084.

106 (b) A person commits a felony of the second degree,
107 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
108 if he or she violates subsection (2) and:

109 1. Damages a computer, computer equipment or supplies, a
110 computer system, or a computer network and the damage or loss is
111 at least \$5,000;

112 2. Commits the offense for the purpose of devising or
113 executing any scheme or artifice to defraud or obtain property;

114 3. Interrupts or impairs a governmental operation or
115 public communication, transportation, or supply of water, gas,
116 or other public service; or

117 4. Intentionally interrupts the transmittal of data to or
118 from, or gains unauthorized access to, a computer, computer
119 system, computer network, or electronic device belonging to any
120 mode of public or private transit, as defined in s. 341.031.

121 (c) A person who violates subsection (2) commits a felony
122 of the first degree, punishable as provided in s. 775.082, s.
123 775.083, or s. 775.084, if the violation:

124 1. Endangers human life; or

125 2. Disrupts a computer, computer system, computer network,

126 | or electronic device that affects medical equipment used in the
127 | direct administration of medical care or treatment to a person.

128 | Section 4. For the purpose of incorporating the amendment
129 | made by this act to section 784.048, Florida Statutes, in a
130 | reference thereto, paragraph (e) of subsection (3) of section
131 | 1006.147, Florida Statutes, is reenacted to read:

132 | 1006.147 Bullying and harassment prohibited.—

133 | (3) For purposes of this section:

134 | (e) Definitions in s. 815.03 and the definition in s.
135 | 784.048(1)(d) relating to stalking are applicable to this
136 | section.

137 | Section 5. This act shall take effect October 1, 2019.