

1                   A bill to be entitled  
 2           An act relating to offenses involving critical  
 3           infrastructure; creating s. 812.141, F.S.; providing  
 4           definitions; providing criminal penalties for  
 5           improperly tampering with critical infrastructure  
 6           resulting in specified monetary damage or cost to  
 7           restore; providing for civil liability upon a  
 8           conviction for such violations; providing criminal  
 9           penalties for trespass upon critical infrastructure;  
 10          providing notice requirements; providing criminal  
 11          penalties for the unauthorized access to or tampering  
 12          with specified electronic devices or networks of  
 13          critical infrastructure; providing an effective date.

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

16  
 17           Section 1.   Section 812.141, Florida Statutes, is created  
 18 to read:

19           812.141 Offenses involving critical infrastructure;  
 20 improper tampering; civil remedies; trespass on critical  
 21 infrastructure; computer offenses involving critical  
 22 infrastructure.-

23           (1) For purposes of this section, the term:

24           (a) "Critical infrastructure" means:

25           1. Any linear asset; or

26        2. Any of the following for which the owner or operator  
27 thereof has employed measures designed to exclude unauthorized  
28 persons, including, but not limited to, fences, barriers, guard  
29 posts, or signs prohibiting trespass:

30        a. An electric power generation, transmission, or  
31 distribution facility, or a substation, a switching station, or  
32 an electrical control center.

33        b. A chemical or rubber manufacturing or storage facility.

34        c. A mining facility.

35        d. A natural gas or compressed gas compressor station or  
36 storage facility.

37        e. A gas processing plant, including a plant used in the  
38 processing, treatment, or fractionation of natural gas.

39        f. A liquid natural gas or propane gas terminal or storage  
40 facility with a capacity of 4,000 gallons or more.

41        g. A wireless or wired communications facility, including  
42 the tower, antennae, support structures, and all associated  
43 ground-based equipment.

44        h. A water intake structure, water treatment facility,  
45 wastewater treatment plant, pump station, or lift station.

46        i. A seaport listed in s. 311.09.

47        j. A railroad switching yard, trucking terminal, or other  
48 freight transportation facility.

49        k. An airport as defined in s. 330.27.

50        l. A spaceport territory as defined in s. 331.303.

51 m. A transmission facility used by a federally licensed  
52 radio or television station.

53 n. A military base or military facility conducting  
54 research and development of military weapons systems,  
55 subsystems, components, or parts.

56 o. A civilian defense industrial base conducting research  
57 and development of military weapons systems, subsystems,  
58 components, or parts.

59 p. A dam as defined in s. 373.403(1), or other water  
60 control structures such as locks, floodgates, or dikes that are  
61 designed to maintain or control the level of navigable  
62 waterways.

63 (b) "Improperly tampers" means to cause, or attempt to  
64 cause, significant damage to, or a significant interruption or  
65 impairment of a function of, critical infrastructure without  
66 permission or authority to do so.

67 (c) "Linear asset" means any electric distribution or  
68 transmission asset, oil or gas distribution or transmission  
69 pipeline, communication wirelines, or railway, and any  
70 attachments thereto.

71 (2) A person commits a felony of the second degree,  
72 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
73 if he or she knowingly and intentionally improperly tampers with  
74 critical infrastructure which results in:

75 (a) Damage to such critical infrastructure that is \$200 or

76 more; or

77 (b) The interruption or impairment of the function of such  
 78 critical infrastructure which costs \$200 or more in labor and  
 79 supplies to restore.

80 (3) A person who is found in a civil action to have  
 81 improperly tampered with critical infrastructure based on a  
 82 conviction for a violation of subsection (2) is liable to the  
 83 owner or operator of the critical infrastructure for damages in  
 84 an amount equal to three times the actual damage sustained by  
 85 the owner or operator due to any property damage, personal  
 86 injury, or wrongful death, caused by the act or an amount equal  
 87 to three times any claim the owner or operator was required to  
 88 pay for any property damage, personal injury, or wrongful death  
 89 caused by the malfunction of the critical infrastructure  
 90 resulting from the act, whichever is greater.

91 (4) A person commits the offense of trespass on critical  
 92 infrastructure, a felony of the third degree, punishable as  
 93 provided in s. 775.082, s. 775.083, or s. 775.084, if he or she  
 94 without being authorized, licensed, or invited, willfully enters  
 95 upon or remains on critical infrastructure as to which notice  
 96 against entering or remaining in is given, either by actual  
 97 communication to the offender or by posting, fencing, or  
 98 cultivation as described in s. 810.011.

99 (5) (a) A person who willfully, knowingly, and without  
 100 authorization gains access to a computer, a computer system, a

101 computer network, or an electronic device that is owned,  
102 operated, or used by any critical infrastructure entity while  
103 knowing that such access is unauthorized commits a felony of the  
104 third degree, punishable as provided in s. 775.082, s. 775.083,  
105 or s. 775.084.

106 (b) A person who willfully, knowingly, and without  
107 authorization physically tampers with, inserts a computer  
108 contaminant into, or otherwise transmits commands or electronic  
109 communications to, a computer, a computer system, a computer  
110 network, or an electronic device that causes a disruption in any  
111 service delivered by any critical infrastructure commits a  
112 felony of the second degree, punishable as provided in s.  
113 775.082, s. 775.083, or s. 775.084.

114 (c) For purposes of this subsection, the terms "computer,"  
115 "computer system," "computer network," and "electronic device"  
116 have the same meanings as in s. 815.03.

117 Section 2. This act shall take effect July 1, 2024.