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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
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The Committee on Criminal Justice (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete lines 23 - 59

and insert:

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

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

7. Any portion of an aboveground oil or gas pipeline.

8. A wireless or wired communications network, including



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11 the tower, antennae, support structures, and all associated
12 ground-based equipment, including equipment intended to provide
13 communications to governmental entities including but not
14 limited to, law enforcement, fire emergency medical services,
15 emergency management agencies, or any other governmental entity.

16 9. A water intake structure, water treatment facility,
17 wastewater treatment plant, pump station, or lift station.

18 10. A deepwater port, railroad switching yard, airport,
19 trucking terminal, or other freight transportation facility.

20 11. A facility used for the operation, landing, takeoff, or
21 surface maneuvering of vehicles or aircraft.

22 12. A transmission facility used by a federally licensed
23 radio or television station.

24 13 A military base or military facility conducting research
25 and development of military weapons systems, subsystems,
26 components or parts.

27 14. Cyber or virtual assets including electronic systems,
28 networks, servers, data centers, devices, hardware, software, or
29 data that are essential to the reliable operations, monitoring,
30 and security of any critical infrastructure as defined in this
31 section.

32 15. Dams and other water control structures.

33 (b) "Improperly tampers" means to intentionally and
34 knowingly cause, or attempt to cause, a significant interruption
35 or impairment of a function of critical infrastructure by:

36 1. Changing the physical location or physical or virtual
37 condition of the property, or any portion thereof, without
38 permission or authority to do so;

39 2. Otherwise moving, damaging, or destroying the property



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40 or any portion thereof, without permission or authority to do
41 so; or,

42 3. The unauthorized access, introduction of malware, or any
43 action that compromises the integrity or availability of the
44 critical infrastructure's digital systems.

45 (2) A person who improperly tampers with critical
46 infrastructure for which the owner or operator thereof has
47 employed measures that are designed to exclude unauthorized
48 persons, which may include physical or digital measures such as
49 fences, barriers, or guard posts, or identity and access
50 management, firewalls, virtual private networks, encryption,
51 multi-factor authentication, passwords, or other cybersecurity
52 systems and controls, and such improper tampering results in
53 damage that is \$200 or greater to critical infrastructure,
54 commits a felony of the second degree, punishable as provided in
55 s. 775.082, s. 775.083, or s. 775.084.

56 (3) A person who is found in a civil action to have
57 improperly tampered with critical infrastructure based on a
58 conviction of subsection (2) is liable to the operator or owner
59 of the critical infrastructure for damages in an amount equal to
60 three times the actual damage sustained by the operator or owner
61 due to any personal injury, wrongful death, or property damage
62 caused by the act or an amount equal to three times any claim
63 made against the operator or owner for any personal injury,
64 wrongful death, or property damage caused by the malfunction of
65 the critical infrastructure resulting from the act, whichever is
66 greater.

67 (4) (a) Any person who, without being authorized, licensed,
68 or invited, willfully enters upon or remains on a physical



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69 critical infrastructure as to which notice against entering or
70 remaining in is given as provided in paragraph (b), commits the
71 offense of trespass on a critical infrastructure.

72 (b)1. For a physical critical infrastructure that is:

73 a. One acre or less in area, a sign must be posted that
74 appears prominently, in letters of not less than 2 inches in
75 height, and reads in substantially the following manner: "This
76 area is a designated critical infrastructure facility and anyone
77 who trespasses on this property commits a felony."

78 b. More than one acre in area, signs must be placed not
79 more than 500 feet apart along and at each corner of the
80 boundaries of the land or, for land owned by a water control
81 district that exists pursuant to ch. 298, or was created by
82 special act of the Legislature, signs placed at or near the
83 intersection of any district canal right-of-way and a road
84 right-of-way.

85 2. Signs must be placed along the boundary line of posted
86 land in a manner and in such position as to be clearly
87 noticeable from outside the boundary line. A sign in letters of
88 not less than 2 inches in height, must read in substantially the
89 following manner: "This area is a designated critical
90 infrastructure facility and anyone who trespasses on this
91 property commits a felony."

92 (c) A person who trespasses on a physical critical
93 infrastructure in violation of this subsection commits a felony
94 of the third degree, punishable as provided in s. 775.082, s.
95 775.083, or s. 775.084.

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



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

102 (b) A person who physically tampers with, inserts a
103 computer contaminant into, or otherwise transmits commands or
104 electronic communications to a computer, computer system,
105 computer network, or electronic device that causes a disruption
106 in any service delivered by any critical infrastructure commits
107 a felony of the second degree, punishable as provided in s.
108 775.082, s. 775.083, or s. 775.084.

109
110
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete lines 4 - 6

114 and insert:

115 definitions; providing criminal penalties for
116 improperly tampering with critical infrastructure;
117 providing for civil liability for such violations;
118 providing criminal penalties for trespass upon a
119 critical infrastructure; providing criminal penalties
120 for the unauthorized access to or tampering with
121 specified electronic devices or networks of critical
122 infrastructure;