



809108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Regulated Industries (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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



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

12 (a) "Critical infrastructure" means:

13 1. Any linear asset; or

14 2. Any of the following for which the owner or operator
15 thereof has employed physical or digital measures designed to
16 exclude unauthorized persons, including, but not limited to,
17 fences, barriers, guard posts, identity and access management,
18 firewalls, virtual private networks, encryption, multifactor
19 authentication, passwords, or other cybersecurity systems and
20 controls:

21 a. An electric power generation, transmission, or
22 distribution facility, or a substation, a switching station, or
23 an electrical control center.

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

25 c. A mining facility.

26 d. A natural gas or compressed gas compressor station,
27 storage facility, or pipeline.

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

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

32 g. Any portion of an aboveground oil or gas pipeline.

33 h. A wireless or wired communications network, including
34 the tower, antennae, support structures, and all associated
35 ground-based equipment, including equipment intended to provide
36 communications to governmental entities, including, but not
37 limited to, law enforcement agencies, fire emergency medical
38 services, emergency management agencies, or any other
39 governmental entity.



- 40 i. A water intake structure, water treatment facility,
41 wastewater treatment plant, pump station, or lift station.
- 42 j. A deepwater port, railroad switching yard, airport,
43 trucking terminal, or other freight transportation facility.
- 44 k. A facility used for the operation, landing, takeoff, or
45 surface maneuvering of vehicles, aircraft, or spacecraft.
- 46 l. A transmission facility used by a federally licensed
47 radio or television station.
- 48 m. A military base or military facility conducting research
49 and development of military weapons systems, subsystems,
50 components, or parts.
- 51 n. A civilian defense industrial base conducting research
52 and development of military weapons systems, subsystems,
53 components, or parts.
- 54 o. Cyber or virtual assets, including electronic systems,
55 networks, servers, data centers, devices, hardware, software, or
56 data that are essential to the reliable operations, monitoring,
57 and security of any critical infrastructure.
- 58 p. Dams and other water control structures.
- 59 (b) "Improperly tampers" means to knowingly and
60 intentionally cause, or attempt to cause, a significant
61 interruption or impairment of a function of critical
62 infrastructure by:
- 63 1. Changing the physical location or physical or virtual
64 condition of the critical infrastructure, or any portion
65 thereof, without permission or authority to do so;
- 66 2. Otherwise moving, damaging, or destroying the critical
67 infrastructure or any portion thereof, without permission or
68 authority to do so; or



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69 3. Accessing without authorization, introducing malware, or
70 taking any other action that compromises the integrity or
71 availability of the critical infrastructure's digital systems.

72 (c) "Linear asset" means any electric distribution or
73 transmission asset, gas distribution or transmission pipeline,
74 communication wirelines, or railway, and any attachments
75 thereto.

76 (2) A person who improperly tampers with critical
77 infrastructure resulting in damage to critical infrastructure
78 that is \$200 or more or in the interruption or impairment of the
79 function of critical infrastructure which costs \$200 or more in
80 labor and supplies to restore, commits a felony of the second
81 degree, punishable as provided in s. 775.082, s. 775.083, or s.
82 775.084.

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

94 (4) A person commits the offense of trespass on critical
95 infrastructure, a felony of the third degree, punishable as
96 provided in s. 775.082, s. 775.083, or s. 775.084, if he or she
97 without being authorized, licensed, or invited, willfully enters



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98 upon or remains on physical critical infrastructure as to which
99 notice against entering or remaining in is given, either by
100 actual communication to the offender or by posting, fencing, or
101 cultivation as described in s. 810.011.

102 (5) (a) A person who willfully, knowingly, and without
103 authorization gains access to a computer, a computer system, a
104 computer network, or an electronic device that is owned,
105 operated, or used by any critical infrastructure entity while
106 knowing that such access is unauthorized commits a felony of the
107 third degree, punishable as provided in s. 775.082, s. 775.083,
108 or s. 775.084.

109 (b) A person who willfully, knowingly, and without
110 authorization physically tampers with, inserts a computer
111 contaminant into, or otherwise transmits commands or electronic
112 communications to, a computer, a computer system, a computer
113 network, or an electronic device that causes a disruption in any
114 service delivered by any critical infrastructure commits a
115 felony of the second degree, punishable as provided in s.
116 775.082, s. 775.083, or s. 775.084.

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

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

121
122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete everything before the enacting clause
125 and insert:

126 A bill to be entitled



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127 An act relating to offenses involving critical
128 infrastructure; creating s. 812.141, F.S.; providing
129 definitions; providing criminal penalties for
130 improperly tampering with critical infrastructure
131 resulting in specified monetary damage or cost to
132 restore; providing for civil liability upon a
133 conviction for such violations; providing criminal
134 penalties for trespass upon critical infrastructure;
135 providing notice requirements; providing criminal
136 penalties for the unauthorized access to or tampering
137 with specified electronic devices or networks of
138 critical infrastructure; providing definitions;
139 providing an effective date.