

By the Committee on Criminal Justice; and Senator Yarborough

591-02005-24

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

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

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

20 812.141 Intentional damage to critical infrastructure.—

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

22 (a) "Critical infrastructure" means any of the following:

23 1. An electrical power generation, transmission, or
24 distribution facility, or a substation, a switching station, or
25 an electrical control center.

26 2. A chemical or rubber manufacturing or storage facility.

27 3. A mining facility.

28 4. A natural gas or compressed gas compressor station,
29 storage facility, or natural gas or compressed gas pipeline.

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

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

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

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

42 9. A water intake structure, water treatment facility,
43 wastewater treatment plant, pump station, or lift station.

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

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

48 12. A transmission facility used by a federally licensed
49 radio or television station.

50 13. A military base or military facility conducting
51 research and development of military weapons systems,
52 subsystems, components, or parts.

53 14. Cyber or virtual assets, including electronic systems,
54 networks, servers, data centers, devices, hardware, software, or
55 data that are essential to the reliable operations, monitoring,
56 and security of any critical infrastructure.

57 15. Dams and other water control structures.

58 (b) "Improperly tampers" means to intentionally and

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59 knowingly cause, or attempt to cause, a significant interruption
60 or impairment of a function of critical infrastructure by:

61 1. Changing the physical location or physical or virtual
62 condition of the property, or any portion thereof, without
63 permission or authority to do so;

64 2. Otherwise moving, damaging, or destroying the property
65 or any portion thereof, without permission or authority to do
66 so; or

67 3. The unauthorized access, introduction of malware, or any
68 action that compromises the integrity or availability of the
69 critical infrastructure's digital systems.

70 (2) A person who improperly tampers with critical
71 infrastructure for which the owner or operator thereof has
72 employed measures that are designed to exclude unauthorized
73 persons, which may include physical or digital measures, such as
74 fences, barriers, or guard posts, or identity and access
75 management, firewalls, virtual private networks, encryption,
76 multi-factor authentication, passwords, or other cybersecurity
77 systems and controls, and such improper tampering results in
78 damage that is \$200 or greater to critical infrastructure,
79 commits a felony of the second degree, punishable as provided in
80 s. 775.082, s. 775.083, or s. 775.084.

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

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88 to three times any claim made against the operator or owner for
89 any personal injury, wrongful death, or property damage caused
90 by the malfunction of the critical infrastructure resulting from
91 the act, whichever is greater.

92 (4) (a) A person who, without being authorized, licensed, or
93 invited, willfully enters upon or remains on physical critical
94 infrastructure as to which notice against entering or remaining
95 in is given as provided in paragraph (b) commits the offense of
96 trespass on critical infrastructure.

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

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

103 b. More than one acre in area, signs must be placed not
104 more than 500 feet apart along and at each corner of the
105 boundaries of the land or, for land owned by a water control
106 district that exists pursuant to chapter 298 or was created by
107 special act of the Legislature, signs must be placed at or near
108 the intersection of any district canal right-of-way and a road
109 right-of-way.

110 2. Signs must be placed along the boundary line of posted
111 land in a manner and in such position as to be clearly
112 noticeable from outside the boundary line. The signs, in letters
113 of not less than 2 inches in height, must read in substantially
114 the following manner: "This area is a designated critical
115 infrastructure facility and anyone who trespasses on this
116 property commits a felony."

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117 (c) A person who trespasses on physical critical
118 infrastructure in violation of this subsection commits a felony
119 of the third degree, punishable as provided in s. 775.082, s.
120 775.083, or s. 775.084.

121 (5) (a) A person who willfully, knowingly, and without
122 authorization gains access to a computer, computer system,
123 computer network, or electronic device owned, operated, or used
124 by any critical infrastructure entity while knowing that such
125 access is unauthorized commits a felony of the third degree,
126 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

127 (b) A person who physically tampers with, inserts a
128 computer contaminant into, or otherwise transmits commands or
129 electronic communications to, a computer, computer system,
130 computer network, or electronic device that causes a disruption
131 in any service delivered by any critical infrastructure commits
132 a felony of the second degree, punishable as provided in s.
133 775.082, s. 775.083, or s. 775.084.

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