

By the Committees on Regulated Industries; and Criminal Justice;
and Senator Yarborough

580-02606-24

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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 definitions;
14 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 Offenses involving critical infrastructure;
21 improper tampering; civil remedies; trespass on critical
22 infrastructure; computer offenses involving critical
23 infrastructure.—

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

25 (a) "Critical infrastructure" means:

26 1. Any linear asset; or

27 2. Any of the following for which the owner or operator
28 thereof has employed physical or digital measures designed to
29 exclude unauthorized persons, including, but not limited to,

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30 fences, barriers, guard posts, identity and access management,
31 firewalls, virtual private networks, encryption, multifactor
32 authentication, passwords, or other cybersecurity systems and
33 controls:

34 a. An electric power generation, transmission, or
35 distribution facility, or a substation, a switching station, or
36 an electrical control center.

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

38 c. A mining facility.

39 d. A natural gas or compressed gas compressor station,
40 storage facility, or pipeline.

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

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

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

46 h. A wireless or wired communications network, including
47 the tower, antennae, support structures, and all associated
48 ground-based equipment, including equipment intended to provide
49 communications to governmental entities, including, but not
50 limited to, law enforcement agencies, fire emergency medical
51 services, emergency management agencies, or any other
52 governmental entity.

53 i. A water intake structure, water treatment facility,
54 wastewater treatment plant, pump station, or lift station.

55 j. A deepwater port, railroad switching yard, airport,
56 trucking terminal, or other freight transportation facility.

57 k. A facility used for the operation, landing, takeoff, or
58 surface maneuvering of vehicles, aircraft, or spacecraft.

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59 1. A transmission facility used by a federally licensed
60 radio or television station.

61 m. A military base or military facility conducting research
62 and development of military weapons systems, subsystems,
63 components, or parts.

64 n. A civilian defense industrial base conducting research
65 and development of military weapons systems, subsystems,
66 components, or parts.

67 o. Cyber or virtual assets, including electronic systems,
68 networks, servers, data centers, devices, hardware, software, or
69 data that are essential to the reliable operations, monitoring,
70 and security of any critical infrastructure.

71 p. Dams and other water control structures.

72 (b) "Improperly tampers" means to knowingly and
73 intentionally cause, or attempt to cause, a significant
74 interruption or impairment of a function of critical
75 infrastructure by:

76 1. Changing the physical location or physical or virtual
77 condition of the critical infrastructure, or any portion
78 thereof, without permission or authority to do so;

79 2. Otherwise moving, damaging, or destroying the critical
80 infrastructure or any portion thereof, without permission or
81 authority to do so; or

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

85 (c) "Linear asset" means any electric distribution or
86 transmission asset, gas distribution or transmission pipeline,
87 communication wirelines, or railway, and any attachments

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88 thereto.

89 (2) A person who improperly tampers with critical
90 infrastructure resulting in damage to critical infrastructure
91 that is \$200 or more or in the interruption or impairment of the
92 function of critical infrastructure which costs \$200 or more in
93 labor and supplies to restore, commits a felony of the second
94 degree, punishable as provided in s. 775.082, s. 775.083, or s.
95 775.084.

96 (3) A person who is found in a civil action to have
97 improperly tampered with critical infrastructure based on a
98 conviction for a violation of subsection (2) is liable to the
99 owner or operator of the critical infrastructure for damages in
100 an amount equal to three times the actual damage sustained by
101 the owner or operator due to any property damage, personal
102 injury, or wrongful death, caused by the act or an amount equal
103 to three times any claim made against the owner or operator for
104 any property damage, personal injury, or wrongful death caused
105 by the malfunction of the critical infrastructure resulting from
106 the act, whichever is greater.

107 (4) A person commits the offense of trespass on critical
108 infrastructure, a felony of the third degree, punishable as
109 provided in s. 775.082, s. 775.083, or s. 775.084, if he or she
110 without being authorized, licensed, or invited, willfully enters
111 upon or remains on physical critical infrastructure as to which
112 notice against entering or remaining in is given, either by
113 actual communication to the offender or by posting, fencing, or
114 cultivation as described in s. 810.011.

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

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117 computer network, or an electronic device that is owned,
118 operated, or used by any critical infrastructure entity while
119 knowing that such access is unauthorized commits a felony of the
120 third degree, punishable as provided in s. 775.082, s. 775.083,
121 or s. 775.084.

122 (b) A person who willfully, knowingly, and without
123 authorization physically tampers with, inserts a computer
124 contaminant into, or otherwise transmits commands or electronic
125 communications to, a computer, a computer system, a computer
126 network, or an electronic device that causes a disruption in any
127 service delivered by any critical infrastructure commits a
128 felony of the second degree, punishable as provided in s.
129 775.082, s. 775.083, or s. 775.084.

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

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