

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

594-03397-24

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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 measures designed to exclude unauthorized
29 persons, including, but not limited to, fences, barriers, guard

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30 posts, or signs prohibiting trespass:

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

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

35 c. A mining facility.

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

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

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

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

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

47 i. A seaport as listed in s. 311.09.

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

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

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

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

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

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

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59 components, or parts.

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

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

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

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

76 (a) Damage to such critical infrastructure that is \$200 or
77 more; or

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

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

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

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

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

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

115 (c) For purposes of this subsection, the terms "computer,"
116 "computer system," "computer network," and "electronic device"

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117 have the same meanings as in s. 815.03.

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