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CS/CS/CS/HB 275

2024 Legislature

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 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 an effective date.

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

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

19 812.141 Offenses involving critical infrastructure;
 20 improper tampering; civil remedies; trespass on critical
 21 infrastructure; computer offenses involving critical
 22 infrastructure.-

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

24 (a) "Critical infrastructure" means:

25 1. Any linear asset; or

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- 26 2. Any of the following for which the owner or operator
 27 thereof has employed measures designed to exclude unauthorized
 28 persons, including, but not limited to, fences, barriers, guard
 29 posts, or signs prohibiting trespass:
- 30 a. An electric power generation, transmission, or
 31 distribution facility, or a substation, a switching station, or
 32 an electrical control center.
- 33 b. A chemical or rubber manufacturing or storage facility.
- 34 c. A mining facility.
- 35 d. A natural gas or compressed gas compressor station or
 36 storage facility.
- 37 e. A gas processing plant, including a plant used in the
 38 processing, treatment, or fractionation of natural gas.
- 39 f. A liquid natural gas or propane gas terminal or storage
 40 facility with a capacity of 4,000 gallons or more.
- 41 g. A wireless or wired communications facility, including
 42 the tower, antennae, support structures, and all associated
 43 ground-based equipment.
- 44 h. A water intake structure, water treatment facility,
 45 wastewater treatment plant, pump station, or lift station.
- 46 i. A seaport listed in s. 311.09.
- 47 j. A railroad switching yard, trucking terminal, or other
 48 freight transportation facility.
- 49 k. An airport as defined in s. 330.27.
- 50 l. A spaceport territory as defined in s. 331.303.

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

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

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

59 p. A dam as defined in s. 373.403(1), or other water
 60 control structures such as locks, floodgates, or dikes that are
 61 designed to maintain or control the level of navigable
 62 waterways.

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

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

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

75 (a) Damage to such critical infrastructure that is \$200 or

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76 more; or

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

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

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

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

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

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

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

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