

1 A bill to be entitled
 2 An act relating to offenses involving computers;
 3 amending s. 784.048, F.S.; revising the definition of
 4 the term "cyberstalk"; providing criminal penalties;
 5 amending s. 815.06, F.S.; revising conduct
 6 constituting an offense against users of computers,
 7 computer systems, computer networks, or electronic
 8 devices; providing criminal penalties; reenacting s.
 9 1006.147(3)(e), F.S., relating to bullying and
 10 harassment, to incorporate the amendments made by the
 11 act; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (d) of subsection (1) of section
 16 784.048, Florida Statutes, is amended, and subsections (2), (3),
 17 (4), (5), and (7) of that section are republished, to read:

18 784.048 Stalking; definitions; penalties.—

19 (1) As used in this section, the term:

20 (d) "Cyberstalk" means:

21 1. To engage in a course of conduct to communicate, or to
 22 cause to be communicated, words, images, or language by or
 23 through the use of electronic mail or electronic communication,
 24 directed at a specific person, causing substantial emotional
 25 distress to that person and serving no legitimate purpose; or

26 2. To access, or attempt to access the online accounts or
27 Internet-connected home electronic systems of another person
28 without that person's permission.

29 (2) A person who willfully, maliciously, and repeatedly
30 follows, harasses, or cyberstalks another person commits the
31 offense of stalking, a misdemeanor of the first degree,
32 punishable as provided in s. 775.082 or s. 775.083.

33 (3) A person who willfully, maliciously, and repeatedly
34 follows, harasses, or cyberstalks another person and makes a
35 credible threat to that person commits the offense of aggravated
36 stalking, a felony of the third degree, punishable as provided
37 in s. 775.082, s. 775.083, or s. 775.084.

38 (4) A person who, after an injunction for protection
39 against repeat violence, sexual violence, or dating violence
40 pursuant to s. 784.046, or an injunction for protection against
41 domestic violence pursuant to s. 741.30, or after any other
42 court-imposed prohibition of conduct toward the subject person
43 or that person's property, knowingly, willfully, maliciously,
44 and repeatedly follows, harasses, or cyberstalks another person
45 commits the offense of aggravated stalking, a felony of the
46 third degree, punishable as provided in s. 775.082, s. 775.083,
47 or s. 775.084.

48 (5) A person who willfully, maliciously, and repeatedly
49 follows, harasses, or cyberstalks a child under 16 years of age
50 commits the offense of aggravated stalking, a felony of the

51 third degree, punishable as provided in s. 775.082, s. 775.083,
52 or s. 775.084.

53 (7) A person who, after having been sentenced for a
54 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
55 prohibited from contacting the victim of the offense under s.
56 921.244, willfully, maliciously, and repeatedly follows,
57 harasses, or cyberstalks the victim commits the offense of
58 aggravated stalking, a felony of the third degree, punishable as
59 provided in s. 775.082, s. 775.083, or s. 775.084.

60 Section 2. Subsection (2) of section 815.06, Florida
61 Statutes, is amended, and subsection (3) of that section is
62 republished, to read:

63 815.06 Offenses against users of computers, computer
64 systems, computer networks, and electronic devices.—

65 (2) A person commits an offense against users of
66 computers, computer systems, computer networks, or electronic
67 devices if he or she willfully, knowingly, and without
68 authorization or exceeding authorization:

69 (a) Accesses or causes to be accessed any computer,
70 computer system, computer network, or electronic device with
71 knowledge that such access is unauthorized;

72 (b) Disrupts or denies or causes the denial of the ability
73 to transmit data to or from an authorized user of a computer,
74 computer system, computer network, or electronic device, which,
75 in whole or in part, is owned by, under contract to, or operated

76 | for, on behalf of, or in conjunction with another;

77 | (c) Destroys, takes, injures, or damages equipment or
78 | supplies used or intended to be used in a computer, computer
79 | system, computer network, or electronic device;

80 | (d) Destroys, injures, or damages any computer, computer
81 | system, computer network, or electronic device;

82 | (e) Introduces any computer contaminant into any computer,
83 | computer system, computer network, or electronic device; or

84 | (f) Engages in audio or video surveillance of an
85 | individual by accessing any inherent feature or component of a
86 | computer, computer system, computer network, or electronic
87 | device, including accessing the data or information of a
88 | computer, computer system, computer network, or electronic
89 | device that is stored by a third party.

90 | (3) (a) Except as provided in paragraphs (b) and (c), a
91 | person who violates subsection (2) commits a felony of the third
92 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
93 | 775.084.

94 | (b) A person commits a felony of the second degree,
95 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
96 | if he or she violates subsection (2) and:

97 | 1. Damages a computer, computer equipment or supplies, a
98 | computer system, or a computer network and the damage or loss is
99 | at least \$5,000;

100 | 2. Commits the offense for the purpose of devising or

101 | executing any scheme or artifice to defraud or obtain property;

102 | 3. Interrupts or impairs a governmental operation or
 103 | public communication, transportation, or supply of water, gas,
 104 | or other public service; or

105 | 4. Intentionally interrupts the transmittal of data to or
 106 | from, or gains unauthorized access to, a computer, computer
 107 | system, computer network, or electronic device belonging to any
 108 | mode of public or private transit, as defined in s. 341.031.

109 | (c) A person who violates subsection (2) commits a felony
 110 | of the first degree, punishable as provided in s. 775.082, s.
 111 | 775.083, or s. 775.084, if the violation:

112 | 1. Endangers human life; or

113 | 2. Disrupts a computer, computer system, computer network,
 114 | or electronic device that affects medical equipment used in the
 115 | direct administration of medical care or treatment to a person.

116 | Section 3. For the purpose of incorporating the amendment
 117 | made by this act to section 784.048, Florida Statutes, in a
 118 | reference thereto, paragraph (e) of subsection (3) of section
 119 | 1006.147, Florida Statutes, is reenacted to read:

120 | 1006.147 Bullying and harassment prohibited.—

121 | (3) For purposes of this section:

122 | (e) Definitions in s. 815.03 and the definition in s.
 123 | 784.048(1)(d) relating to stalking are applicable to this
 124 | section.

125 | Section 4. This act shall take effect upon becoming a law.