

THE FLORIDA SENATE
2015 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/CS/SB 222 — Electronic Commerce

by Judiciary Committee; Communications, Energy, and Public Utilities Committee; Commerce and Tourism Committee; and Senator Hukill

The bill creates the “Computer Abuse and Data Recovery Act,” which provides a civil cause of action for those injured by an individual who knowingly and with intent to cause harm or loss:

- Obtains information from a protected computer used in the operation of a business without authorization, and as a result, causes a harm or loss;
- Causes transmission of a program, code, or command from a protected computer used in the operation of a business without authorization, and as a result, causes a harm or loss; or
- Traffics in any technological access barrier (e.g., password) through which access to a protected computer used in the operation of a business may be obtained without authorization.

The bill allows an injured party to recover actual damages and the violator’s profits; obtain an injunction or other equitable relief to prevent a future violation; recover all copies of the misappropriated information, program, or code; and be awarded attorney’s fees. A victim must commence an action under this section within 3 years after the violation or 3 years after the violation was discovered, or should have been discovered with due diligence.

If approved by the Governor, these provisions take effect October 1, 2015.

Vote: Senate 38-0; House 117-0