

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 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

26 2. Any of the following for which the owner or operator
27 thereof has employed physical or digital measures designed to
28 exclude unauthorized persons, including, but not limited to,
29 fences, barriers, guard posts, identity and access management,
30 firewalls, virtual private networks, encryption, multifactor
31 authentication, passwords, or other cybersecurity systems and
32 controls:

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

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

37 c. A mining facility.

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

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

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

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

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

51 governmental entity.

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

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

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

58 l. A transmission facility used by a federally licensed
59 radio or television station.

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

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

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

70 p. Dams and other water control structures.

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

75 1. Changing the physical location or physical or virtual

76 condition of the critical infrastructure, or any portion
 77 thereof, without permission or authority to do so;

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

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

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

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

95 (3) A person who is found in a civil action to have
 96 improperly tampered with critical infrastructure based on a
 97 conviction for a violation of subsection (2) is liable to the
 98 owner or operator of the critical infrastructure for damages in
 99 an amount equal to three times the actual damage sustained by
 100 the owner or operator due to any property damage, personal

101 injury, or wrongful death, caused by the act or an amount equal
102 to three times any claim made against the owner or operator for
103 any property damage, personal injury, or wrongful death caused
104 by the malfunction of the critical infrastructure resulting from
105 the act, whichever is greater.

106 (4) A person commits the offense of trespass on critical
107 infrastructure, a felony of the third degree, punishable as
108 provided in s. 775.082, s. 775.083, or s. 775.084, if he or she
109 without being authorized, licensed, or invited, willfully enters
110 upon or remains on:

111 (a) A linear asset; or

112 (b) Physical critical infrastructure as to which notice
113 against entering or remaining in is given, either by actual
114 communication to the offender or by posting, fencing, or
115 cultivation as described in s. 810.011.

116 (5)(a) A person who willfully, knowingly, and without
117 authorization gains access to a computer, a computer system, a
118 computer network, or an electronic device that is owned,
119 operated, or used by any critical infrastructure entity while
120 knowing that such access is unauthorized commits a felony of the
121 third degree, punishable as provided in s. 775.082, s. 775.083,
122 or s. 775.084.

123 (b) A person who willfully, knowingly, and without
124 authorization physically tampers with, inserts a computer
125 contaminant into, or otherwise transmits commands or electronic

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126 | communications to, a computer, a computer system, a computer
127 | network, or an electronic device that causes a disruption in any
128 | service delivered by any critical infrastructure commits a
129 | felony of the second degree, punishable as provided in s.
130 | 775.082, s. 775.083, or s. 775.084.

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

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