

CHAPTER 2024-197

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 275

An act relating to offenses involving critical infrastructure; creating s. 812.141, F.S.; providing definitions; providing criminal penalties for improperly tampering with critical infrastructure resulting in specified monetary damage or cost to restore; providing for civil liability upon a conviction for such violations; providing criminal penalties for trespass upon critical infrastructure; providing notice requirements; providing criminal penalties for the unauthorized access to or tampering with specified electronic devices or networks of critical infrastructure; providing an effective date.

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

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

812.141 Offenses involving critical infrastructure; improper tampering; civil remedies; trespass on critical infrastructure; computer offenses involving critical infrastructure.—

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

(a) “Critical infrastructure” means:

1. Any linear asset; or

2. Any of the following for which the owner or operator thereof has employed measures designed to exclude unauthorized persons, including, but not limited to, fences, barriers, guard posts, or signs prohibiting trespass:

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

b. A chemical or rubber manufacturing or storage facility.

c. A mining facility.

d. A natural gas or compressed gas compressor station or storage facility.

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

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

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

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

i. A seaport listed in s. 311.09.

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

k. An airport as defined in s. 330.27.

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

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

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

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

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

(b) “Improperly tampers” means to cause, or attempt to cause, significant damage to, or a significant interruption or impairment of a function of, critical infrastructure without permission or authority to do so.

(c) “Linear asset” means any electric distribution or transmission asset, oil or gas distribution or transmission pipeline, communication wirelines, or railway, and any attachments thereto.

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

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

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

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

operator was required to pay for any property damage, personal injury, or wrongful death caused by the malfunction of the critical infrastructure resulting from the act, whichever is greater.

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

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

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

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

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

Approved by the Governor May 17, 2024.

Filed in Office Secretary of State May 17, 2024.