

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. 815.03, F.S.; revising the definition of
 6 the term "access"; amending s. 815.06, F.S.; revising
 7 conduct constituting an offense against users of
 8 computers, computer systems, computer networks, or
 9 electronic devices; providing criminal penalties;
 10 reenacting s. 1006.147(3)(e), F.S., relating to
 11 bullying and harassment, to incorporate the amendments
 12 made by the act; providing an effective date.

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

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 16 Section 1. Paragraph (d) of subsection (1) of section
 17 784.048, Florida Statutes, is amended, and subsections (2), (3),
 18 (4), (5), and (7) of that section are republished, to read:

19 784.048 Stalking; definitions; penalties.—

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

21 (d) "Cyberstalk" means:

22 1. To engage in a course of conduct to communicate, or to
 23 cause to be communicated, words, images, or language by or
 24 through the use of electronic mail or electronic communication,
 25 directed at a specific person, causing substantial emotional

26 | distress to that person and serving no legitimate purpose; or
27 | 2. To access, or attempt to access the online accounts or
28 | Internet-connected home electronic systems of another person
29 | without that person's permission.

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

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

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

49 | (5) A person who willfully, maliciously, and repeatedly
50 | follows, harasses, or cyberstalks a child under 16 years of age

51 commits the offense of aggravated stalking, a felony of the
 52 third degree, punishable as provided in s. 775.082, s. 775.083,
 53 or s. 775.084.

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

61 Section 2. Subsection (1) of section 815.03, Florida
 62 Statutes, is amended to read:

63 815.03 Definitions.—As used in this chapter, unless the
 64 context clearly indicates otherwise:

65 (1) "Access" means to approach, instruct, communicate
 66 with, store data in, retrieve data from, or otherwise make use
 67 of any resources of a computer, computer system, ~~or~~ computer
 68 network, or electronic device.

69 Section 3. Subsection (2) of section 815.06, Florida
 70 Statutes, is amended, and subsection (3) of that section is
 71 republished, to read:

72 815.06 Offenses against users of computers, computer
 73 systems, computer networks, and electronic devices.—

74 (2) A person commits an offense against users of
 75 computers, computer systems, computer networks, or electronic

76 | devices if he or she willfully, knowingly, and without
77 | authorization or exceeding authorization:

78 | (a) Accesses or causes to be accessed any computer,
79 | computer system, computer network, or electronic device with
80 | knowledge that such access is unauthorized or the manner of use
81 | exceeds authorization;

82 | (b) Disrupts or denies or causes the denial of the ability
83 | to transmit data to or from an authorized user of a computer,
84 | computer system, computer network, or electronic device, which,
85 | in whole or in part, is owned by, under contract to, or operated
86 | for, on behalf of, or in conjunction with another;

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

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

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

94 | (f) Engages in audio or video surveillance of an
95 | individual by accessing any inherent feature or component of a
96 | computer, computer system, computer network, or electronic
97 | device, including accessing the data or information of a
98 | computer, computer system, computer network, or electronic
99 | device that is stored by a third party.

100 | (3) (a) Except as provided in paragraphs (b) and (c), a

101 person who violates subsection (2) commits a felony of the third
 102 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 103 775.084.

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

107 1. Damages a computer, computer equipment or supplies, a
 108 computer system, or a computer network and the damage or loss is
 109 at least \$5,000;

110 2. Commits the offense for the purpose of devising or
 111 executing any scheme or artifice to defraud or obtain property;

112 3. Interrupts or impairs a governmental operation or
 113 public communication, transportation, or supply of water, gas,
 114 or other public service; or

115 4. Intentionally interrupts the transmittal of data to or
 116 from, or gains unauthorized access to, a computer, computer
 117 system, computer network, or electronic device belonging to any
 118 mode of public or private transit, as defined in s. 341.031.

119 (c) A person who violates subsection (2) commits a felony
 120 of the first degree, punishable as provided in s. 775.082, s.
 121 775.083, or s. 775.084, if the violation:

122 1. Endangers human life; or

123 2. Disrupts a computer, computer system, computer network,
 124 or electronic device that affects medical equipment used in the
 125 direct administration of medical care or treatment to a person.

126 Section 4. For the purpose of incorporating the amendment
127 made by this act to section 784.048, Florida Statutes, in a
128 reference thereto, paragraph (e) of subsection (3) of section
129 1006.147, Florida Statutes, is reenacted to read:

130 1006.147 Bullying and harassment prohibited.—

131 (3) For purposes of this section:

132 (e) Definitions in s. 815.03 and the definition in s.
133 784.048(1)(d) relating to stalking are applicable to this
134 section.

135 Section 5. This act shall take effect upon becoming a law.