

## **CHAPTER 815, FLORIDA STATUTES**

**815.01 SHORT TITLE**-- The provisions of this act shall be known and may be cited as the "Florida Computer Crimes Act."

**815.02 LEGISLATIVE INTENT**-- The Legislature finds and declares that:

1. Computer related crime is a growing problem in government as well as in the private sector.
2. Computer related crime occurs at great cost to the public since losses for each incident of computer crime tend to be far greater than the losses associated with each incident of other white collar crime.
3. The opportunities for computer related crimes in financial institutions, government programs, government records, and other business enterprises through the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the alteration or destruction of computerized information or files, and the stealing of financial instruments, data, and other assets, are great.
4. While various forms of computer crime might possibly be the subject of criminal charges based on other provisions of law, it is appropriate and desirable that a supplemental and additional statute be provided which proscribes various forms of computer abuse.

**815.03 DEFINITIONS**-- As used in this chapter, unless the context clearly indicates otherwise:

1. "INTELLECTUAL PROPERTY" means data, including programs.
2. "COMPUTER PROGRAM" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.
3. "COMPUTER" means an internally-programmed, automatic device that performs data processing.
4. "COMPUTER SOFTWARE" means a set of computer programs, procedures, and associated documentation concerned with the operation of a computer system.
5. "COMPUTER SYSTEM" means a set of related, connected or unconnected, computer equipment, devices, or computer software.

6. "COMPUTER NETWORK" means a set of related, remotely connected devices and communication facilities including more than one computer system with capability to transmit data among them through communication facilities.

7. "COMPUTER SYSTEM SERVICES" means providing a computer system or computer network to perform useful work.

8. "PROPERTY" means anything of value as defined in s. 812.011, and includes, but is not limited to, financial instruments, information, including electronically produced data and computer software and programs in either machine or human readable form, and any other tangible or intangible item of value.

9. "FINANCIAL INSTRUMENT" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, or marketable security.

10. "ACCESS" means to approach, instruct, communicate with, store data, retrieve data from, or otherwise make use of resources of a computer, computer system, or computer network.

#### **815.04 OFFENSES AGAINST INTELLECTUAL PROPERTY**

1. Whoever willfully, knowingly, and without authorization modifies data, programs, or supporting documentation residing or existing internal to a computer system, or computer network commits an offense against intellectual property.

2. Whoever willfully, knowingly, and without authorization destroys data, programs, or supporting documentation residing or existing internal to a computer system, or computer network commits an offense against intellectual property.

3. Whoever willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation which is a trade secret as defined in s. 812.081 or is confidential as provided by law residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

4.

A. Except as otherwise provided in this subsection, an offense against intellectual property is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

B. If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

#### **815.05 OFFENSES AGAINST COMPUTER EQUIPMENT OR SUPPLIES**

**1.**

**A.** Whoever willfully, knowingly, and without authorization modifies equipment or supplies used or intended to be used in a computer, computer system, or computer network commits an offense against computer equipment or supplies.

**B.**

**1.** Except as provided in this paragraph an offense against computer equipment or supplies as provided in paragraph A is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**2.** If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**2.**

**A.** Whoever willfully, knowingly, and without authorization destroys, takes, injures, or damages equipment or supplies used or intended to be used in a computer, computer system, or computer network; or whoever willfully, knowingly, and without authorization destroys, injures, or damages any computer, computer system, or computer network, commits an offense against computer equipment or supplies.

**B.**

**1.** Except as provided in this paragraph an offense against computer equipment or supplies as provided in paragraph A is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**2.** If the damage to such computer equipment or supplies or to the computer, computer system, or computer network is greater than \$200 but less than \$1000, then the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**3.** If the damage to such computer equipment or supplies or to the computer, computer system, or computer network is \$1000 or greater, or there is an interruption or impairment of governmental operation or public communication, transportation, or supply of water, gas, or other public service, then the offender is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**815.06 OFFENSES AGAINST COMPUTER USERS**

**1.** Whoever willfully, knowingly, and without authorization accesses or causes to be accessed any computer, computer system, or computer network; or whoever willfully, knowingly, and without authorization denies or causes the denial of computer system

services to an authorized user of such computer system services, which, in whole or part, is owned by, under contract to, or operated for, on behalf of, or in conjunction with, another commits an offense against computer users.

**2.**

**A.** Except as provided in this subsection an offense against computer users is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**B.** If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**815.07 THIS CHAPTER IS NOT EXCLUSIVE** -- The provisions of this chapter shall not be construed to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates this chapter, unless such provision is inconsistent with the terms of this chapter.

**815.08** -- If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared severable.

**PENALTIES**--Below is a summary of the penalties, from s. 775.082 and s. 775.083, which apply to the offenses described above. Statute 775.084 deals with penalties for repeated offenders and is not included below.

**MISDEMEANOR OF THE FIRST DEGREE**-- Up to one year of imprisonment and a fine of up to \$1000 or any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

**FELONY OF THE THIRD DEGREE**-- Up to five years imprisonment and a fine of up to \$5000 or double the pecuniary value.

**FELONY OF THE SECOND DEGREE**-- Up to fifteen years imprisonment and a fine of up to \$10000 or double the pecuniary value.