Computer Abuse and Data Recovery Act ("CADRA")(Aug. 30, 2014)

Electronic Commerce
Part V: Computer Abuse and Data Recovery Act

668.801   Short Title.

This part may be cited as the "Computer Abuse and Data Recovery Act."

668.802   Purposes.

The provisions of this part shall be construed liberally to promote the following policies:

(a)   to protect owners, operators and lessees of computers used in the operation of a business from harm or losses caused by unauthorized access to protected computers; and/or

(b)   to protect owners of information stored in protected computers used in the operation of a business from harm or losses caused by unauthorized access to protected computers.

668.803   Prohibited Acts.

Whoever knowingly and with intent to cause harm or loss –

(a)   obtains information from a protected computer without authorization and as a result thereof causes harm or loss;

(b)   causes the transmission of a program, code, or command without authorization to a protected computer, and as a result of such transmission, causes harm or loss; or

(c)   traffics in any password, security code or token, key fob, access device or similar information or device through which access to a protected computer may be obtained without authorization;

shall be liable to the extent provided in s. 668.804 in a civil action to: (i) the owner of the information who uses the information in connection with the operation of a business in connection with the protected computer, or (ii) the owner, operator or lessee of the protected computer.

668.804   Remedies.

(a)   A person bringing an action under s. 668.803 for a violation may:

    (1)   recover such person's actual damages, including lost profits and losses;
    (2)   recover the violator's profits that are not taken into account in computing actual
damages and losses under s. 668.804(a)(1);
    (3)   obtain injunctive or other equitable relief from the court to prevent a violation of s.

668.803; and

       (4) recover the original and all copies of the information which is subject to the violation.

(b)   In any action arising under this part, a court shall award reasonable attorney's fees to the prevailing party.

(c)   The remedies available for a violation of s. 668.803 are in addition to remedies otherwise available for the same conduct under federal or state law.

(d)   A final judgment or decree rendered in favor of the state in any criminal proceeding concerning the conduct of the defendant which forms the basis for any criminal proceeding under chapter 815, shall estop the defendant in any action brought pursuant to s. 668.803 as to all matters as to which such judgment or decree would be an estoppel as if the plaintiff had been a party in the criminal action.

(e)   A civil action filed under s. 668.803 shall be commenced within three years of the time the violation occurred or within three years of the time the violation was discovered or should have been discovered with the exercise of due diligence.

668.805   Definitions.

As used in this part, the term:

(a)   "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility, data storage device or communications facility directly related to or operating in conjunction with such device.

(b)   "Protected computer" means a computer, used in connection with the operation of a business and storing information, programs or code used in connection with the operation of a business, in which the information, programs or code can only be accessed through a technological access barrier such as a password, security code or token, key fob, access device, or similar measure.

(c)   "Without authorization" means to circumvent a technological access barrier to a protected computer, without the express or implied permission of the owner, operator or lessee of the computer to access the protected computer or the express or implied permission of the owner of information stored in the protected computer, but does not include circumventing a technological measure that does not effectively control access to the protected computer or the information stored in the protected computer.

(d)   "Harm" means any impairment to the integrity, access or availability of data, a program, a system, or information.

(e)   "Loss" means: (1) any reasonable cost to the owner of information stored in a protected

computer or the owner, operator or lessee of a protected computer, including the reasonable cost of responding to the violation, conducting a damage assessment for harm associated with the violation, and remediation efforts including restoring the data, program, system, or information to its condition prior to the violation, (2) economic damages, (3) lost profits, (4) consequential damages including but not limited to interruption of service, and (5) profits derived from a violation.

(f)   "Traffics" means to sell, purchase or deliver.

(g)   "Business" includes any trade or business without regard to its profit or nonprofit status.

668.806   Exclusions.

This part does not prohibit any lawfully authorized investigative, protective, or intelligence activity of any law enforcement agency, regulatory agency or political subdivision of this State, any other state, the United States or any foreign country.