

8.29 CYBERINTIMIDATION BY PUBLICATION

§ 836.115, Fla. Stat.

To prove the crime of Cyberintimidation by Publication, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant) **electronically published (victim's) personal identification information.**
2. (Defendant) **did so with the intent to [or with the intent that a third party will use the information to] [incite violence or commit a crime against (victim)] [or] [threaten or harass (victim), placing (victim) in reasonable fear of bodily harm].**

§ 836.115(1)(a), Fla. Stat.

“Electronically publish” means to disseminate, post, or otherwise disclose information to an Internet site or forum.

§§ 836.115(1)(c), 817.568(1)(f), Fla. Stats.

“Personal identification information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:

1. **Name, postal or electronic mail address, telephone number, social security number, date of birth, mother's maiden name, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, or personal identification number or code assigned to the holder of a debit card by the issuer to permit authorized electronic use of such card;**
2. **Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;**
3. **Unique electronic identification number, address, or routing code;**
4. **Medical records;**
5. **Telecommunication identifying information or access device; or**
6. **Other number or information that can be used to access a person's financial resources.**

Give if applicable. §§ 836.115(1)(b), 817.568(1)(c), Fla. Stats.

“Harass” means to engage in conduct directed at a specific person that is intended to cause substantial emotional distress to such person and serves no legitimate purpose. “Harass” does not mean to use personal identification information for accepted commercial purposes. The term does not include constitutionally protected conduct such as organized protests or the use of personal identification information for accepted commercial purposes.

Lesser Included Offense

CYBERINTIMIDATION BY PUBLICATION — 836.115

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted on March 7, 2022.