

**12.11 UNAUTHORIZED ACCESS TO A CRITICAL INFRASTRUCTURE
COMPUTER, COMPUTER SYSTEM, COMPUTER NETWORK, OR
ELECTRONIC DEVICE**

§ 812.141(5)(a), Fla. Stat.

To prove the crime of Unauthorized Access to a Critical Infrastructure Computer, Computer System, Computer Network, or Electronic Device, the State must prove the following three elements beyond a reasonable doubt:

(Defendant) **willfully and knowingly gained access to a [computer] [computer system] [computer network] [electronic device] that was owned, operated, or used by any critical infrastructure entity.**

(Defendant) **was not authorized to access the [computer] [computer system] [computer network] [electronic device]**

(Defendant) **knew, at the time that [he] [she] gained access, that [he] [she] was not authorized to access the [computer] [computer system] [computer network] [electronic device].**

“Willfully” means knowingly, intentionally, and purposely.

“Critical infrastructure” means (insert relevant definition from § 812.141, Fla. Stat.).

§ 815.03, Fla. Stat.

“Access” means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, a computer system, a computer network, or an electronic device.

“Computer” means an internally programmed, automatic device that performs data processing.

“Computer network” means a system that provides a medium for communication between one or more computer systems or electronic devices, including communication with an input or output device such as a display terminal, printer, or other electronic equipment that is connected to the computer systems or electronic devices by physical or wireless telecommunication facilities.

“Computer system” means a device or collection of devices, including support devices, one or more of which contain computer programs, electronic instructions, or input data and output data, and which perform functions, including, but not limited to, logic, arithmetic, data storage, retrieval, communication, or control. The term does not include calculators that are not programmable and that are not capable of being used in conjunction with external files.

“Electronic device” means a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a cellular telephone, tablet, or other portable device designed for and capable of communicating with or across a computer network and that is actually used for such purpose.

Lesser Included Offense

**UNAUTHORIZED ACCESS TO A CRITICAL INFRASTRUCTURE COMPUTER,
COMPUTER SYSTEM, COMPUTER NETWORK, OR ELECTRONIC DEVICE —
812.141(5)(a)**

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	806.13	12.4

Comment

This instruction was adopted on June 27, 2025.