

CS/SB 1378 – Corporate Espionage

This bill amends s. 812.081, F.S., defining “endeavor,” “foreign agent,” “foreign instrumentality,” “obtain or use,” “person,” and “traffic,” as well as expanding the definition of “trade secret.” It also deletes much of the language from the current Level 1, 3rd degree felony and increases it to a **Level 3, 3rd degree felony**. It now reads: “It is unlawful for a person to willfully and without authorization obtain or use, or to endeavor to obtain or use, a trade secret with the intent to either temporarily or permanently...deprive or withhold from the owner thereof the control or benefit of a trade secret...or...appropriate a trade secret to his or her own use or to the use of another person not entitled to the trade secret.” It also creates a **Level 5, 2nd degree felony** for “a person who traffics in, or endeavors to traffic in, a trade secret that he or she knows or should know was obtained or used without authorization.” Finally, “whenever a person is charged with a violation of this section which was committed with the intent to benefit a foreign government, a foreign agent, or a foreign instrumentality, the offense for which the person is charged,” both offenses increase as follows:

- Theft of a trade secret: Level 3, 3rd degree felony to Level 4, 2nd degree felony
- Trafficking in trade secrets: Level 5, 2nd degree felony to Level 6, 1st degree felony

Per DOC there were no new commitments in either FY 18-19 or FY 19-20 for the Level 1, 3rd degree felony under s. 812.081, F.S. It is not known how many additional offenders would fall under the new language.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate