

By the Committee on Criminal Justice and Senator Silver

307-1802-99

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A bill to be entitled
An act relating to unauthorized reception of
cable television services; amending s. 812.15,
F.S.; providing increased penalties for repeat
offenders; providing increased penalties for
the possession of certain devices in
quantities; prohibiting the advertisement of
certain devices in the electronic media;
authorizing certain persons to recover damages
for each violation; providing an effective
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 812.15, Florida Statutes, 1998
Supplement, is amended to read:

812.15 Unauthorized reception of cable television
services; penalties.--

(1) As used in this section, the term:

(a) "Cable operator" means "cable operator" as defined
in 47 U.S.C. s. 522(4) (1988).

(b) "Cable system" means "cable system" as defined in
47 U.S.C. s. 522(6) (1988).

(2)(a) No person shall intercept or receive or assist
in intercepting or receiving any communications service
offered over a cable system, unless specifically authorized to
do so by a cable operator or as may otherwise be specifically
authorized by law.

(b) For the purpose of this section, the term "assist
in intercepting or receiving" shall include the manufacture of
or distribution of equipment intended by the manufacturer or

1 distributor, as the case may be, for unauthorized reception of
2 any communications service offered over a cable system in
3 violation of this section.

4 (3)(a) Any person who willfully violates this section
5 shall be guilty of a misdemeanor of the first degree,
6 punishable as provided in s. 775.082 or s. 775.083.

7 (b) Any person who willfully violates this section and
8 who has been previously convicted of a violation of this
9 section is guilty of a felony of the third degree, punishable
10 as provided in s. 775.082, s. 775.083, or s. 775.084.

11 (c)~~(b)~~ Any person who willfully and for purposes of
12 direct or indirect commercial advantage violates this section
13 shall be guilty of a felony of the third degree, punishable as
14 provided in s. 775.082, s. 775.083, or s. 775.084.

15 (4)(a)~~(c)~~ Any person who intentionally possesses
16 equipment, knowing or having reason to know that the design of
17 such equipment renders it primarily useful for the purpose of
18 the unauthorized reception of any communications service
19 offered over a cable system, shall be guilty of a misdemeanor
20 of the first degree, punishable as provided in s. 775.082 or
21 s. 775.083.

22 (b) Any person who intentionally possesses five or
23 more devices or pieces of equipment and knows or has reason to
24 know that the design of such devices or pieces of equipment
25 renders them primarily useful for the unauthorized reception
26 of any communications services offered over a cable system is
27 guilty of a felony of the third degree, punishable as provided
28 in s. 775.082, s. 775.083, or s. 775.084.

29 (c) Any person who intentionally possesses fifty or
30 more devices or pieces of equipment and knows or has reason to
31 know that the design of such devices or equipment renders it

1 primarily useful for the unauthorized reception of any
2 communications services offered over a cable system is guilty
3 of a felony in the second degree, punishable as provided in s.
4 775.082, s. 775.083, or s. 775.084.

5 (5)~~(d)~~ It is unlawful for any person to place in any
6 newspaper, magazine, handbill, or other publication, including
7 any electronic medium, any advertisement that, in whole or in
8 part, promotes the sale of equipment, if the person placing
9 the advertisement knows or has reason to know that the
10 equipment is designed to be primarily useful for the
11 unauthorized reception of any communications service offered
12 over a cable system. Any person who violates this paragraph
13 shall be guilty of a misdemeanor of the first degree,
14 punishable as provided in s. 775.082 or s. 775.083.

15 (6)~~(4)~~(a) Any person aggrieved by any violation of
16 this section may bring a civil action in a circuit court or in
17 any other court of competent jurisdiction.

18 (b) The court may:

19 1. Grant temporary and final injunctions on such terms
20 as it may deem reasonable to prevent or restrain violations of
21 this section in conformity with the principles that govern the
22 granting of injunctive relief from threatened loss or damage
23 in other civil cases, except that no showing of special or
24 irreparable damages to the person shall have to be made;

25 2. Award damages pursuant to paragraphs (c), (d), and
26 (e); and

27 3. Direct the recovery of full costs, including
28 awarding reasonable attorney's fees, to an aggrieved party who
29 prevails.

30 (c) Damages awarded by any court under this section
31 shall be computed in accordance with either of the following:

