## Florida Senate - 1999

By the Committee on Criminal Justice and Senator Silver

307-1802-99 1 A bill to be entitled 2 An act relating to unauthorized reception of cable television services; amending s. 812.15, 3 4 F.S.; providing increased penalties for repeat 5 offenders; providing increased penalties for 6 the possession of certain devices in 7 quantities; prohibiting the advertisement of certain devices in the electronic media; 8 9 authorizing certain persons to recover damages for each violation; providing an effective 10 date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Section 812.15, Florida Statutes, 1998 15 Supplement, is amended to read: 16 17 812.15 Unauthorized reception of cable television services; penalties.--18 19 (1) As used in this section, the term: 20 (a) "Cable operator" means "cable operator" as defined 21 in 47 U.S.C. s. 522(4) (1988). 22 (b) "Cable system" means "cable system" as defined in 47 U.S.C. s. 522(6) (1988). 23 (2)(a) No person shall intercept or receive or assist 24 25 in intercepting or receiving any communications service 26 offered over a cable system, unless specifically authorized to 27 do so by a cable operator or as may otherwise be specifically 28 authorized by law. 29 (b) For the purpose of this section, the term "assist 30 in intercepting or receiving" shall include the manufacture of 31 or distribution of equipment intended by the manufacturer or 1 CODING: Words stricken are deletions; words underlined are additions.

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. (3)(a) Any person who willfully violates this section 4 5 shall be guilty of a misdemeanor of the first degree, б 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 direct or indirect commercial advantage violates this section 12 13 shall be quilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. 14 (4)(a) (c) Any person who intentionally possesses 15 equipment, knowing or having reason to know that the design of 16 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. (b) Any person who intentionally possesses five or 22 more devices or pieces of equipment and knows or has reason to 23 24 know that the design of such devices or pieces of equipment 25 renders them primarily useful for the unauthorized reception of any communications services offered over a cable system is 26 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 2

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1 primarily useful for the unauthorized reception of any communications services offered over a cable system is guilty 2 3 of a felony in the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. 4 5 (5)(d) It is unlawful for any person to place in any б 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 over a cable system. Any person who violates this paragraph 12 shall be quilty of a misdemeanor of the first degree, 13 14 punishable as provided in s. 775.082 or s. 775.083. (6)(4)(a) Any person aggrieved by any violation of 15 this section may bring a civil action in a circuit court or in 16 17 any other court of competent jurisdiction. (b) The court may: 18 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 granting of injunctive relief from threatened loss or damage 22 in other civil cases, except that no showing of special or 23 24 irreparable damages to the person shall have to be made; 25 2. Award damages pursuant to paragraphs (c), (d), and (e); and 26 27 Direct the recovery of full costs, including 3. 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: 3 **CODING:**Words stricken are deletions; words underlined are additions.

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1	1. The party aggrieved may recover the actual damages
2	suffered by him or her as a result of the violation and any
3	profits of the violator that are attributable to the violation
4	which are not taken into account in computing the actual
5	damages; in determining the violator's profits, the party
6	aggrieved shall be required to prove only the violator's gross
7	revenue, and the violator is required to prove his or her
8	deductible expenses and the elements of profit attributable to
9	factors other than the violation; or
10	2. The party aggrieved may recover an award of
11	statutory damages for <u>each violation</u> all violations involved
12	in the action, in a sum of not less than \$250 or more than
13	\$10,000, as the court considers just.
14	(d) In any case in which the court finds that the
15	violation was committed willfully and for purposes of
16	commercial advantage, the court in its discretion may increase
17	the award of damages, whether actual or statutory under this
18	section, by an amount of not more than \$50,000 for each
19	violation.
20	(e) In any case in which the court finds that the
21	violator was not aware and had no reason to believe that his
22	or her acts constituted a violation of this section, the court
23	in its discretion may reduce the award of damages to a sum of
24	not less than \$100.
25	Section 2. This act shall take effect July 1, 1999.
26	
27	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
28	Senate Bill 1606
29	
30	Corrects a grammatical error.
31	
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