

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Young offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (c) of subsection (1) of section
7 775.089, Florida Statutes, is amended to read:

8 775.089 Restitution.—

9 (1)

10 (c) The term "victim" as used in this section and in any
11 provision of law relating to restitution means each person who
12 suffers property damage or loss, monetary expense, or physical
13 injury or death as a direct or indirect result of the
14 defendant's offense or criminal episode, and also includes the
15 victim's estate if the victim is deceased, ~~and~~ the victim's next
16 of kin if the victim is deceased as a result of the offense, and
17 the victim's trade association if the offense is a violation of
18 s. 540.11(3)(a)3. involving the sale, or possession for purposes
19 of sale, of physical articles and the victim has granted the

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20 trade association written authorization to represent the
21 victim's interests in criminal legal proceedings and to collect
22 restitution on the victim's behalf. The restitution obligation
23 set forth in this paragraph relating to violations of s.
24 540.11(3)(a)3. applies only to physical articles and does not
25 apply to electronic articles or digital files that are
26 distributed or made available online. As used in this paragraph,
27 the term "trade association" means an organization founded and
28 funded by businesses that operate in a specific industry to
29 protect their collective interests.

30 Section 2. This act shall take effect October 1, 2012.

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35 **T I T L E A M E N D M E N T**

36 Remove the entire title and insert:

37 An act relating to criminal restitution; amending s.
38 775.089, F.S.; providing that a crime victim entitled to
39 restitution may include a trade association representing
40 the owner or lawful producer of a recording who sustains a
41 loss as a result of physical piracy; providing a limitation
42 of the restitution obligation to specifically exclude acts
43 of online piracy; defining the term "trade association";
44 providing an effective date.