



189746

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Margolis) recommended the following:

Senate Amendment (with title amendment)

Delete lines 60 - 85
and insert:

4. A person who violates subparagraph (a)3. shall be ordered to make restitution to any owner or lawful producer of a master recording that has suffered injury resulting from the crime, or to the trade association representing such owner or lawful producer. The order of restitution shall be based on the aggregate wholesale value of lawfully manufactured and authorized articles corresponding to the number of nonconforming articles involved in the offense unless a greater value can be



189746

13 proven. The order of restitution shall also include
14 investigative costs relating to the offense. As used in this
15 subparagraph, the term "trade association" means an organization
16 founded and funded by businesses that operate in a specific
17 industry to protect their collective interests. The restitution
18 obligation set forth in this subparagraph applies only to
19 physical articles and does not apply to electronic articles or
20 digital files that are distributed or made available online.

21 Section 2. Paragraph (c) of subsection (1) of section
22 775.089, Florida Statutes, is amended to read:

23 775.089 Restitution.—

24 (1)

25 (c) The term "victim" as used in this section and in any
26 provision of law relating to restitution means each person who
27 suffers property damage or loss, monetary expense, or physical
28 injury or death as a direct or indirect result of the
29 defendant's offense or criminal episode, and also includes the
30 victim's estate if the victim is deceased, ~~and~~ the victim's next
31 of kin if the victim is deceased as a result of the offense, and
32 the victim's trade association if the offense is a violation of
33 s. 540.11(3)(a)3. involving physical articles and the victim has
34 granted the trade association written authorization to represent
35 the victim's interests in criminal legal proceedings and to
36 collect restitution on the victim's behalf.

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete line 9

41 and insert:



42
43

a restitution amount; providing a definition; amending
s. 775.089, F.S.;