

By the Committees on Budget Subcommittee on Criminal and Civil Justice Appropriations; and Criminal Justice; and Senators Flores, Diaz de la Portilla, Garcia, and Lynn

604-02763-12

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1 A bill to be entitled
2 An act relating to criminal restitution; amending s.
3 775.089, F.S.; providing that a crime victim entitled
4 to restitution may include a trade association
5 representing the owner or lawful producer of a
6 recording who sustains a loss as a result of physical
7 piracy; providing a limitation of the restitution
8 obligation to specifically exclude acts of online
9 piracy; defining the term "trade association";
10 providing an effective date.

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

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14 Section 1. Paragraph (c) of subsection (1) of section
15 775.089, Florida Statutes, is amended to read:

16 775.089 Restitution.—

17 (1)

18 (c) The term "victim" as used in this section and in any
19 provision of law relating to restitution means each person who
20 suffers property damage or loss, monetary expense, or physical
21 injury or death as a direct or indirect result of the
22 defendant's offense or criminal episode, and also includes the
23 victim's estate if the victim is deceased, ~~and~~ the victim's next
24 of kin if the victim is deceased as a result of the offense, and
25 the victim's trade association if the offense is a violation of
26 s. 540.11(3)(a)3. involving the sale, or possession for purposes
27 of sale, of physical articles and the victim has granted the
28 trade association written authorization to represent the
29 victim's interests in criminal legal proceedings and to collect

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30 restitution on the victim's behalf. The restitution obligation
31 set forth in this paragraph relating to violations of s.
32 540.11(3)(a)3. applies only to physical articles and does not
33 apply to electronic articles or digital files that are
34 distributed or made available online. As used in this paragraph,
35 the term "trade association" means an organization founded and
36 funded by businesses that operate in a specific industry to
37 protect their collective interests.

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