

1  
2 An act relating to unauthorized reception of  
3 cable television services; amending s. 812.15,  
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  
8 certain devices in the electronic media;  
9 authorizing certain persons to recover damages  
10 for each violation; providing an effective  
11 date.

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

14  
15 Section 1. Section 812.15, Florida Statutes, 1998  
16 Supplement, is amended to read:

17 812.15 Unauthorized reception of cable television  
18 services; penalties.--

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  
23 47 U.S.C. s. 522(6) (1988).

24 (2)(a) No person shall intercept or receive or assist  
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 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 (b)(3)(a) Any person who willfully violates this  
5 subsection ~~section~~ shall be guilty of a misdemeanor of the  
6 first degree, punishable as provided in s. 775.082 or s.  
7 775.083.

8 (3)(a) Any person who willfully violates paragraph  
9 (2)(a), paragraph (4)(a), or subsection (5) and who has been  
10 previously convicted of any such provision shall be guilty of  
11 a felony of the third degree, punishable as provided in s.  
12 775.082, s. 775.083, or s. 775.084.

13 (b) Any person who willfully and for purposes of  
14 direct or indirect commercial advantage violates paragraph  
15 (2)(a), paragraph (4)(a), or subsection (5) ~~this section~~ shall  
16 be guilty of a felony of the third degree, punishable as  
17 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

1           (c) Any person who intentionally possesses fifty or  
2 more devices or pieces of equipment and knows or has reason to  
3 know that the design of such devices or equipment renders it  
4 primarily useful for the unauthorized reception of any  
5 communications services offered over a cable system is guilty  
6 of a felony in the second degree, punishable as provided in s.  
7 775.082, s. 775.083, or s. 775.084.

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

18           ~~(6)(4)~~(a) Any person aggrieved by any violation of  
19 this section may bring a civil action in a circuit court or in  
20 any other court of competent jurisdiction.

21           (b) The court may:

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

28           2. Award damages pursuant to paragraphs (c), (d), and  
29 (e); and  
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1           3. Direct the recovery of full costs, including  
2 awarding reasonable attorney's fees, to an aggrieved party who  
3 prevails.

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

6           1. The party aggrieved may recover the actual damages  
7 suffered by him or her as a result of the violation and any  
8 profits of the violator that are attributable to the violation  
9 which are not taken into account in computing the actual  
10 damages; in determining the violator's profits, the party  
11 aggrieved shall be required to prove only the violator's gross  
12 revenue, and the violator is required to prove his or her  
13 deductible expenses and the elements of profit attributable to  
14 factors other than the violation; or

15           2. The party aggrieved may recover an award of  
16 statutory damages for each violation ~~all violations~~ involved  
17 in the action, in a sum of not less than \$250 or more than  
18 \$10,000, as the court considers just.

19           (d) In any case in which the court finds that the  
20 violation was committed willfully and for purposes of  
21 commercial advantage, the court in its discretion may increase  
22 the award of damages, whether actual or statutory under this  
23 section, by an amount of not more than \$50,000 for each  
24 violation.

25           (e) In any case in which the court finds that the  
26 violator was not aware and had no reason to believe that his  
27 or her acts constituted a violation of this section, the court  
28 in its discretion may reduce the award of damages to a sum of  
29 not less than \$100.

30           Section 2. This act shall take effect July 1, 1999.

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