



837974

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

775.089 Restitution.—

(1)

(c) The term "victim" as used in this section and in any provision of law relating to restitution means each person who suffers property damage or loss, monetary expense, or physical injury or death as a direct or indirect result of the



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13 defendant's offense or criminal episode, and also includes the
14 victim's estate if the victim is deceased, ~~and~~ the victim's next
15 of kin if the victim is deceased as a result of the offense, and
16 the victim's trade association if the offense is a violation of
17 s. 540.11(3)(a)3. involving the sale, or possession for purposes
18 of sale, of physical articles and the victim has granted the
19 trade association written authorization to represent the
20 victim's interests in criminal legal proceedings and to collect
21 restitution on the victim's behalf. The restitution obligation
22 set forth in this paragraph relating to violations of s.
23 540.11(3)(a)3. applies only to physical articles and does not
24 apply to electronic articles or digital files that are
25 distributed or made available online. As used in this paragraph,
26 the term "trade association" means an organization founded and
27 funded by businesses that operate in a specific industry to
28 protect their collective interests.

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

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete everything before the enacting clause
34 and insert:

35 A bill to be entitled
36 An act relating to criminal restitution; amending s.
37 775.089, F.S.; providing that a crime victim entitled
38 to restitution may include a trade association
39 representing the owner or lawful producer of a
40 recording who sustains a loss as a result of physical
41 piracy; providing a limitation of the restitution



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42 obligation to specifically exclude acts of online
43 piracy; defining the term "trade association";
44 providing an effective date.