CHAPTER 2012-17

Committee Substitute for
Committee Substitute for House Bill No. 189

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

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

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

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

Approved by the Governor March 23, 2012.

Filed in Office Secretary of State March 23, 2012.