

27 202.11(1), commercial mobile service, or information service,
28 including, but not limited to, an Internet access service
29 provider and a hosting service provider, if they provide the
30 transmission, storage, or caching of electronic communications
31 or messages of others or provide another related
32 telecommunications, commercial mobile radio service, or
33 information service, for use of such services by another person
34 in violation of this section. This exemption from liability is
35 consistent with and in addition to any liability exemption
36 provided under 47 U.S.C. s. 230.

37 (3) DEFINITIONS.—As used in this section, the term:

38 (a) "Commercial recording or audiovisual work" means a
39 recording or audiovisual work whose owner, assignee, authorized
40 agent, or licensee has disseminated or intends to disseminate
41 such recording or audiovisual work for sale, rental, or for
42 performance or exhibition to the public, including under
43 license, but does not include an excerpt consisting of less than
44 substantially all of a recording or audiovisual work. A
45 recording or audiovisual work may be commercial regardless of
46 whether a person who electronically disseminates it seeks
47 commercial advantage or private financial gain from the
48 dissemination. The term does not include video games, depictions
49 of video game play, or the streaming of video game activity.

50 (b) "Electronic dissemination" means initiating a
51 transmission of, making available, or otherwise offering a
52 commercial recording or audiovisual work for distribution

53 through the Internet or other digital network, regardless of
54 whether another person has previously electronically
55 disseminated the same commercial recording or audiovisual work.

56 (c) "E-mail address" means an electronic mail address as
57 defined in s. 668.602.

58 (d) "Website" means a set of related web pages served from
59 a single web domain. The term does not include a home page or
60 channel page for the user account of a person that is not the
61 owner or operator of the website upon which such user home page
62 or channel page appears.

63 (4) DISCLOSURE OF INFORMATION.—

64 (a) A person who owns or operates a website or online
65 service dealing in substantial part in the electronic
66 dissemination of commercial recordings or audiovisual works,
67 directly or indirectly, to consumers in this state shall clearly
68 and conspicuously disclose his or her true and correct name,
69 physical address, and telephone number or e-mail address on his
70 or her website or online service in a location readily
71 accessible to a consumer using or visiting the website or online
72 service.

73 (b) The following locations are deemed readily accessible
74 for purposes of this subsection:

- 75 1. A landing or home web page or screen;
- 76 2. An "about" or "about us" web page or screen;
- 77 3. A "contact" or "contact us" web page or screen;
- 78 4. An information web page or screen; or

79 5. Another place on the website or online service commonly
80 used to display identifying information to consumers.

81 (5) INJUNCTIVE RELIEF.—

82 (a) An owner, assignee, authorized agent, or licensee of a
83 commercial recording or audio visual work that is electronically
84 disseminated by a website or online service in violation of this
85 section may bring a private cause of action to obtain a
86 declaratory judgment that an act or practice violates this
87 section and enjoin any person who knowingly has violated, is
88 violating, or is otherwise likely to violate this section. As a
89 condition precedent to filing a civil action under this section,
90 the aggrieved party must make reasonable efforts to notify the
91 person alleged to be in violation of this section of such
92 violation and that failure to cure the violation within 14 days
93 may result in a civil action being filed in a court of competent
94 jurisdiction.

95 (b) Upon motion of the party instituting the action, the
96 court may make appropriate orders to compel compliance with this
97 section.

98 (c) The prevailing party in a cause under this section is
99 entitled to recover necessary expenses and reasonable attorney
100 fees.

101 Section 2. This act shall take effect July 1, 2015.