

1 A bill to be entitled
 2 An act relating to consumer protection; creating s.
 3 501.155, F.S.; providing a short title; providing
 4 applicability; providing definitions; requiring owners
 5 and operators of specified websites and online
 6 services to disclose certain information; providing
 7 for injunctive relief; providing an effective date.

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

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 11 Section 1. Section 501.155, Florida Statutes, is created
 12 to read:

13 501.155 Electronic dissemination of commercial recordings
 14 or audiovisual works; required disclosures; injunctive relief.-

15 (1) SHORT TITLE.-This section may be cited as the "True
 16 Origin of Digital Goods Act."

17 (2) APPLICABILITY.-This section is supplemental to those
 18 provisions of state and federal criminal and civil law which
 19 impose prohibitions or provide penalties, sanctions, or remedies
 20 against the same conduct prohibited by this section. This
 21 section does not:

22 (a) Bar any cause of action or preclude the imposition of
 23 sanctions or penalties that would otherwise be available under
 24 state or federal law.

25 (b) Impose liability on providers of an interactive
 26 computer service, communications service as defined in s.

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

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

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

51 (b) "Electronic dissemination" means initiating a
52 transmission of, making available, or otherwise offering a

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

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

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

64 (4) DISCLOSURE OF INFORMATION.—

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

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

- 77 1. A landing or home web page or screen;
78 2. An "about" or "about us" web page or screen;

79 3. A "contact" or "contact us" web page or screen;

80 4. An information web page or screen; or

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

83 (5) INJUNCTIVE RELIEF.—

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

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

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

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