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1  
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.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Section 501.155, Florida Statutes, is created to  
12 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, advertising network or exchange, domain name

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30 registration provider, and 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 service, 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, for 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.

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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 who 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 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

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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 place an  
93 individual alleged to be in violation of this section on notice  
94 that the individual may be in violation of this section and that  
95 failure to cure within 14 days may result in a civil action  
96 filed in a court of competent 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.