

By Senator Flores

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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 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 and a hosting service provider, if they provide the

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30 transmission, storage, or caching of electronic communications
31 or messages of others or provide another related
32 telecommunications service, 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, for 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 (4) DISCLOSURE OF INFORMATION.—

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

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

- 70 1. A landing or home web page or screen;
- 71 2. An "about" or "about us" web page or screen;
- 72 3. A "contact" or "contact us" web page or screen;
- 73 4. An information web page or screen; or
- 74 5. Another place on the website or online service commonly
75 used to display identifying information to consumers.

76 (5) INJUNCTIVE RELIEF.—

77 (a) An owner, assignee, authorized agent, or licensee of a
78 commercial recording or audio visual work aggrieved by a
79 violation of this section may bring a private cause of action to
80 obtain a declaratory judgment that an act or practice violates
81 this section and enjoin any person who has violated, is
82 violating, or is otherwise likely to violate this section.

83 (b) Upon motion of the party instituting the action, the
84 court may make appropriate orders to compel compliance with this
85 section.

86 (c) The prevailing party in a cause under this section is
87 entitled to recover necessary expenses and reasonable attorney

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88 fees.

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