

By Senator Webster

12-717-99

See HB 415

1 A bill to be entitled
2 An act relating to optical discs; providing
3 definitions; requiring certain manufacturers of
4 optical discs to mark the discs with certain
5 information; providing penalties for failure to
6 comply; prohibiting certain activities
7 involving unmarked discs or discs on which the
8 mark is altered; providing penalties;
9 prohibiting certain activities involving
10 altering such marks; providing penalties;
11 providing an effective date.

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

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15 Section 1. (1) For purposes of this act, the term:

16 (a) "Commercial purposes" means the manufacture of at
17 least 10 of the same or different optical discs in a 180-day
18 period by storing information on the disc for purposes of sale
19 in this state by that person or other persons.

20 (b) "Manufacture" means replication of the physical
21 optical disc or production of the master used in any optical
22 disc replication process, but does not include the manufacture
23 of optical discs for internal use, testing, or review or blank
24 optical discs.

25 (c) "Optical disc" means a disc capable of being read
26 by a laser or other light source on which data is stored in
27 digital form, including, but not limited to, discs known as
28 compact discs, recordable compact discs, and digital video
29 discs.

30 (2)(a) Each person who manufactures optical discs for
31 commercial purposes shall permanently mark each manufactured

1 optical disc with an identification mark that identifies the
2 name of the manufacturer and the state in which the optical
3 disc was manufactured. The identification mark shall be
4 affixed by molding, diestamping, etching, or other permanent
5 method in a manner in which it is clearly visible without the
6 aid of magnification or special devices to read the mark. Any
7 person who manufactures optical discs for commercial purposes
8 without complying with this paragraph shall be subject to a
9 fine of not less than \$500 nor more than \$5,000 for a first
10 offense and a fine of not less than \$5,000 nor more than
11 \$50,000 for a second or subsequent offense.

12 (b) It is unlawful for any person to buy, sell,
13 receive, transfer, or possess for purposes of sale or rental
14 an optical disc knowing that the identification mark required
15 by this section has been removed, defaced, covered, altered,
16 or destroyed or knowing it was manufactured in this state
17 without the required identification mark or with a false
18 identification mark. Any person who buys, sells, receives,
19 transfers, or possesses for purposes of sale or rental an
20 optical disc knowing that the identification mark required by
21 this section has been removed, defaced, covered, altered, or
22 destroyed or knowing it was manufactured in this state without
23 the required identification mark or with a false
24 identification mark commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or by a fine of up to
26 \$10,000, or both.

27 (c) It is unlawful for any person to knowingly remove,
28 deface, cover, alter, or destroy the identification mark
29 required by this section. Any person who knowingly removes,
30 defaces, covers, alters, or destroys the identification mark
31 required by this section commits a misdemeanor of the first

1 degree, punishable as provided in s. 775.082 or by a fine of
2 up to \$50,000, or both.

3 Section 2. This act shall take effect October 1, 1999.

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6 LEGISLATIVE SUMMARY

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8 Requires each person who manufactures an optical disc for
9 commercial purposes for sale in this state to permanently
10 mark each manufactured optical disc with an
11 identification mark that identifies the name of the
12 manufacturer and the state in which the optical disc was
13 manufactured. Prohibits buying or selling, receiving,
14 transferring, or possessing for purposes of sale or
15 rental an optical disc knowing that the required
16 identification mark has been removed, defaced, covered,
17 altered, or destroyed or that the disc was manufactured
18 without the mark or with a false mark. Prohibits
19 removing, defacing, covering, altering, or destroying the
20 identification mark. (See bill for details.)
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