

By the Committee on Criminal Justice and Senator Webster

307-2013-99

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.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
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           (d) "Identification mark" means the name of the  
31 manufacturer and the state in which the disc was manufactured,

1 or a unique identifier that identifies the place where an  
2 optical disc was manufactured.

3 (2)(a) Each person who manufactures optical discs for  
4 commercial purposes shall permanently mark each manufactured  
5 optical disc with an identification mark. The identification  
6 mark shall be affixed by molding, diestamping, etching, or  
7 other permanent method in a manner in which it is clearly  
8 visible without the aid of magnification or special devices to  
9 read the mark. Any person who manufactures optical discs for  
10 commercial purposes without complying with this paragraph  
11 shall be subject to a fine of up to \$5,000 for a first offense  
12 and a fine of up to \$50,000 for a second or subsequent  
13 offense.

14 (b) It is unlawful for any person to buy, sell,  
15 receive, transfer, or possess for purposes of sale or rental  
16 an optical disc knowing that the identification mark required  
17 by this section has been removed, defaced, covered, altered,  
18 or destroyed or knowing it was manufactured in this state  
19 without the required identification mark or with a false  
20 identification mark. Any person who buys, sells, receives,  
21 transfers, or possesses for purposes of sale or rental an  
22 optical disc knowing that the identification mark required by  
23 this section has been removed, defaced, covered, altered, or  
24 destroyed or knowing it was manufactured in this state without  
25 the required identification mark or with a false  
26 identification mark commits a misdemeanor of the first degree,  
27 punishable as provided in s. 775.082 or by a fine of up to  
28 \$10,000, or both.

29 (c) It is unlawful for any person to knowingly remove,  
30 deface, cover, alter, or destroy the identification mark  
31 required by this section. Any person who knowingly removes,

1 defaces, covers, alters, or destroys the identification mark  
2 required by this section commits a misdemeanor of the first  
3 degree, punishable as provided in s. 775.082 or by a fine of  
4 up to \$50,000, or both.

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

6  
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 Senate Bill 1308

- 10 - Defines "identification mark."  
11 - Provides that noncompliance with requirements regarding  
12 identification marks on an optical disc shall be subject  
13 to a fine of up to \$5,000 for a first offense and a fine  
14 of up to \$50,000 for a second or subsequent offense.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31