

By Representative Lynn

1 A bill to be entitled
2 An act relating to deceptive trade practices in
3 print advertisement; creating s. 501.97, F.S.;
4 prohibiting the misrepresentation of the
5 geographic location of a service or product
6 supplier in print advertisement, under certain
7 circumstances; providing certain immunity from
8 liability to a telephone company or other
9 provider of a telephone directory or directory
10 assistance database, or its officers or agents;
11 providing an exception; providing that
12 violation of the prohibition is a deceptive and
13 unfair trade practice; providing for penalties;
14 providing for applicability; providing an
15 effective date.

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

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19 Section 1. Section 501.97, Florida Statutes, is
20 created to read:

21 501.97 Deceptive trade practices; print advertisement;
22 penalties.--

23 (1) A person may not misrepresent the geographic
24 location of the supplier of a service or product by listing a
25 fictitious business name or an assumed business name in print
26 advertisement if:

27 (a) The name misrepresents the geographic location of
28 the supplier; and

29 (b) Calls to the local telephone number are routinely
30 forwarded or otherwise transferred to a business location that
31 is outside the State of Florida.

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2 For purposes of this section, a newspaper publisher, magazine
3 or other publication, telephone directory or directory
4 assistance service or its officer or agent, or the owner or
5 operator of a radio or television station, or any other owner
6 or operator of a media primarily devoted to advertising who
7 publishes, broadcasts, or otherwise disseminates an
8 advertisement in good faith without knowledge of its false,
9 deceptive or misleading character is immune from liability for
10 publishing the listing of a fictitious business name or
11 assumed business name of a supplier unless the advertiser is
12 the same person as the supplier of services or products who
13 has committed the act prohibited by this section. This section
14 applies to all advertisements published after the effective
15 date of this act.

16 (2) A violation of this section is a deceptive and
17 unfair trade practice and constitutes a violation of part II
18 of chapter 501. A person who violates this section commits a
19 deceptive and unfair trade practice, punishable by the
20 penalties provided under part II of chapter 501, and is
21 subject to the enforcement of remedies for the violation as
22 provided in part II of chapter 501.

23 (3) This section is supplemental to those provisions
24 of state or federal criminal or civil law which impose
25 prohibitions, or provide penalties, sanctions, or remedies,
26 against the same conduct prohibited by this section. Nothing
27 in this section may be construed as barring any cause of
28 action which would otherwise be available, or as precluding
29 action which would otherwise be available, or as precluding
30 the imposition of penalties or sanctions or the pursuit of
31 remedies otherwise provided for by law, except that this

