A bill to be entitled 1 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 comply; prohibiting certain activities 6 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: 16 (a) "Commercial purposes" means the manufacture of at 17 least 10 optical discs in a 180-day period by storing information on the disc for purposes of sale in this state by 18 19 that person or other persons. 20 "Manufacture" means replication of the physical optical disc or production of the master used in any optical 21 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. "Optical disc" means a disc capable of being read 25 26 by a laser or other light source on which data is stored in digital form, including, but not limited to, discs known as 27

commercial purposes shall permanently mark each manufactured

(2)(a) Each person who manufactures optical discs for

compact discs (CDs) and digital video discs (DVDs).

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

- (b) It is unlawful for any person to buy, sell, receive, transfer, or possess for purposes of sale or rental an optical disc knowing that the identification mark required by this section has been removed, defaced, covered, altered, or destroyed or knowing it was manufactured in this state without the required identification mark or with a false identification mark. Any person who buys, sells, receives, transfers, or possesses for purposes of sale or rental an optical disc knowing that the identification mark required by this section has been removed, defaced, covered, altered, or destroyed or knowing it was manufactured in this state without the required identification mark or with a false identification mark commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of up to \$10,000, or both.
- (c) It is unlawful for any person to knowingly remove, deface, cover, alter, or destroy the identification mark required by this section. Any person who knowingly removes, defaces, covers, alters, or destroys the identification mark required by this section commits a misdemeanor of the first

degree, punishable as provided in s. 775.082 or by a fine of up to \$50,000, or both. This act shall take effect October 1, 1999. Section 2. HOUSE SUMMARY Requires each person who manufactures an optical disc for commercial purposes for sale in this state to permanently mark each manufactured optical disc with an identification mark that identifies the name of the identification mark that identifies the name of the manufacturer and the state in which the optical disc was manufactured. Prohibits buying or selling, receiving, transferring, or possessing for purposes of sale or rental an optical disc knowing that the required identification mark has been removed, defaced, covered, altered, or destroyed or that the disc was manufactured without the mark or with a false mark. Prohibits removing, defacing, covering, altering, or destroying the identification mark. See bill for details.