

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 the
24 manufacture of blank 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 in
31 this state for commercial purposes shall permanently mark each

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

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

25 (c) It is unlawful for any person to knowingly remove,
26 deface, cover, alter, or destroy the identification mark
27 required by this section. Any person who knowingly removes,
28 defaces, covers, alters, or destroys the identification mark
29 required by this section commits a misdemeanor of the first
30 degree, punishable as provided in s. 775.082 or by a fine of
31 up to \$50,000, or both.

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