

By the Committee on Agriculture and Consumer Services; and  
Senator Holzendorf

303-1711-99

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 medium 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  
10 for 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, as precluding any  
29 action that would otherwise be available, or as precluding the  
30 imposition of penalties or sanctions or the pursuit of  
31 remedies otherwise provided for by law, except that this

1 section may not be construed to permit duplicate enforcement  
2 of penalties, sanctions, and remedies provided for under part  
3 II of chapter 501. Furthermore, the provisions of this  
4 section may not be construed to preclude the applicability of  
5 any other provision of law which now applies, or may in the  
6 future apply, to prohibit, penalize, or impose sanctions or  
7 remedies for any conduct that violates this section.

8 Section 2. This act shall take effect upon becoming a  
9 law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12 COMMITTEE SUBSTITUTE FOR  
13 Senate Bill 672

14 Committee Substitute for Senate Bill 672 is different from  
15 Senate Bill 672 in that it:

- 16 - Prohibits a person from misrepresenting the geographic  
17 location of a supplier of a service or product by  
listing a fictitious business name in a print  
advertisement, rather than a local telephone directory.
- 18 - Provides certain immunity from liability for a newspaper  
19 publisher, magazine or other publication, telephone  
directory or directory assistance service or its officer  
20 or agent, or the owner or operator of a radio or  
television station, or any other owner or operator of a  
21 medium primarily devoted to advertising who publishes,  
broadcasts, or otherwise disseminates an advertisement.
- 22 - Supplements those provisions of state or federal  
23 criminal or civil law which prohibit, or provide  
penalties, sanctions, or remedies against the same  
24 conduct. Furthermore, nothing may be construed as  
barring any cause of action which would otherwise be  
25 available, or prevent penalties or sanctions or remedies  
otherwise provided for by law.
- 26 - Prohibits duplicate enforcement of penalties, sanctions,  
27 and remedies provided for under part II of chapter 501,  
Florida Statutes.