

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 intent
15 not to abrogate the Fictitious Name Act;
16 providing an effective date.

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

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

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

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

28 (a) The name and overall context of the advertisement
29 misrepresent that the supplier maintains an established place
30 of business within the state when in fact the supplier has no
31 such business in the state; and

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

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

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

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

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

11 Section 2. This act is not intended to abrogate or
12 modify the Fictitious Name Act, section 865.09, Florida
13 Statutes. Any person who acts in accordance with the
14 requirements of section 865.09, Florida Statutes, is not in
15 violation of section 501.97, Florida Statutes, as created by
16 this act without actual misrepresentation as contemplated
17 under chapter 501, Florida Statutes.

18 Section 3. This act shall take effect upon becoming a
19 law.