

By Representative Morroni

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:

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 blank  
24 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, or digital video  
29 discs.

30           (2)(a) Each person who manufactures optical discs for  
31 commercial purposes shall permanently mark each manufactured

1 optical disc with an identification mark that identifies the  
2 name of the manufacturer and the state in which the optical  
3 disc was manufactured. The identification mark shall be  
4 affixed by molding, diestamping, etching, or other permanent  
5 method in a manner in which it is clearly visible without the  
6 aid of magnification or special devices to read the mark. Any  
7 person who manufactures optical discs for commercial purposes  
8 without complying with this paragraph shall be subject to a  
9 fine of not less than \$500 nor more than \$5,000 for a first  
10 offense and a fine of not less than \$5,000 nor more than  
11 \$50,000 for a second or subsequent offense.

12 (b) It is unlawful for any person to buy, sell,  
13 receive, transfer, or possess for purposes of sale or rental  
14 an optical disc knowing that the identification mark required  
15 by this section has been removed, defaced, covered, altered,  
16 or destroyed or knowing it was manufactured in this state  
17 without the required identification mark or with a false  
18 identification mark. Any person who buys, sells, receives,  
19 transfers, or possesses for purposes of sale or rental an  
20 optical disc knowing that the identification mark required by  
21 this section has been removed, defaced, covered, altered, or  
22 destroyed or knowing it was manufactured in this state without  
23 the required identification mark or with a false  
24 identification mark commits a misdemeanor of the first degree,  
25 punishable as provided in s. 775.082 or by a fine of up to  
26 \$10,000, or both.

27 (c) It is unlawful for any person to knowingly remove,  
28 deface, cover, alter, or destroy the identification mark  
29 required by this section. Any person who knowingly removes,  
30 defaces, covers, alters, or destroys the identification mark  
31 required by this section commits a misdemeanor of the first

1 degree, punishable as provided in s. 775.082 or by a fine of  
2 up to \$50,000, or both.

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

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5 HOUSE SUMMARY

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7 Requires each person who manufactures an optical disc for  
8 commercial purposes for sale in this state to permanently  
9 mark each manufactured optical disc with an  
10 identification mark that identifies the name of the  
11 manufacturer and the state in which the optical disc was  
12 manufactured. Prohibits buying or selling, receiving,  
13 transferring, or possessing for purposes of sale or  
14 rental an optical disc knowing that the required  
15 identification mark has been removed, defaced, covered,  
16 altered, or destroyed or that the disc was manufactured  
17 without the mark or with a false mark. Prohibits  
18 removing, defacing, covering, altering, or destroying the  
19 identification mark. See bill for details.  
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