



1           (a) "Performing person or group" means a vocal or  
2 instrumental performer using or attempting to use the name of  
3 a recording person or group.

4           (b) "Recording person or group" means a vocal or  
5 instrumental performer that has previously produced or  
6 released, or both, a commercial recording.

7           (2)(a) A person may not advertise a live musical  
8 performance or production in this state by use of a false,  
9 deceptive, or misleading statement of an affiliation,  
10 connection, or association between a performing person or  
11 group and a recording person or group.

12           (b) A person may not conduct a live musical  
13 performance or production in this state by use of a false,  
14 deceptive, or misleading statement of an affiliation,  
15 connection, or association between a performing person or  
16 group and a recording person or group.

17           (3) An advertisement of a live musical performance  
18 does not violate subsection (2) if:

19           (a) The performing person or at least one member of  
20 the performing group was a member of the recording group and  
21 has the legal right to use the name of the recording group by  
22 not abandoning the affiliation with the recording group or its  
23 name;

24           (b) The performing person or group is the authorized  
25 registrant and owner of a federal service mark for that person  
26 or group which is registered with the United States Patent and  
27 Trademark Office;

28           (c) The live musical performance or production is  
29 identified as a "salute" or "tribute" to, and is otherwise  
30 unaffiliated with, the recording person or group;  
31

1           (d) The advertising does not relate to a live musical  
2 performance taking place in this state; or

3           (e) The performance is expressly authorized in the  
4 advertising by the recording person or group.

5           (4) Any person who violates subsection (2) commits a  
6 misdemeanor of the second degree, punishable as provided in s.  
7 775.082 or s. 775.083. Upon a second or subsequent violation  
8 of subsection (2), the person commits a misdemeanor of the  
9 first degree, punishable as provided in s. 775.082 or by a  
10 fine not to exceed \$5,000, or both.

11           (5) The Department of Legal Affairs or a state  
12 attorney may file a civil action on behalf of the people of  
13 this state for injunctive relief against any person or group  
14 violating this section to restrain the prohibited activity.  
15 The prevailing party may receive court costs and reasonable  
16 attorney's fees. The court may also impose a civil penalty not  
17 to exceed \$5,000 for each violation of this section.

18           Section 2. This act shall take effect July 1, 2006.

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21           SENATE SUMMARY

22           Defines the terms "performing person or group" and  
23           "recording person or group." Prohibits a person from  
24           advertising or conducting a live musical performance by  
25           using a false, deceptive, or misleading statement of an  
26           affiliation, connection, or association between a  
27           performing group and a recording group. Provides  
28           exceptions. Provides that any person who violates the act  
29           commits a misdemeanor of the first degree. Provides  
30           criminal penalties. Authorizes the Department of Legal  
31           Affairs or a state attorney to file a civil action on  
          behalf of the people of this state for injunctive relief  
          against any person or group violating the act. Permits a  
          court to impose a civil penalty not to exceed \$5,000 for  
          each violation of the act.