

Committee on Commerce and Tourism

CS/SB 604 — Consumer Protection

by Commerce and Tourism Committee and Senators Flores, Braynon, Bradley, Simpson, and Negron

The bill creates the “True Origin of Digital Goods Act,” which requires owners or operators of websites that, as a substantial part of their website’s service, disseminate third-party commercial recordings or audiovisual works to Florida consumers to clearly post on the website and make readily accessible to a consumer using or visiting the website the following information:

- The true and correct name of the operator or owner;
- The operator or owner’s physical address; and
- The operator or owner’s telephone number or e-mail address.

The bill establishes a right to injunctive relief for owners, assignees, authorized agents, or licensees of a commercial recording or audio visual work whose work appears on a website that has not posted identifying information in violation of the bill. Before initiating the civil action provided for in the bill, the aggrieved party must “make reasonable efforts” to place an individual alleged to be in violation of the section on notice that the owner or operator may be in violation of the act, and that failure to cure the violation within 14 days may result in civil action. The prevailing party may also obtain necessary expenses and reasonable attorney fees. These remedies are available as a supplement to other state and federal criminal and civil law provisions. A court may make appropriate orders to compel compliance with the section upon motion of the party instituting the action.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 36-3; House 78-38