

By Representative Lynn

1                                   A bill to be entitled  
2           An act relating to fictitious names; creating  
3           s. 501.97, F.S.; prohibiting use of a  
4           fictitious name for certain purposes; providing  
5           penalties; providing an effective date.  
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7 Be It Enacted by the Legislature of the State of Florida:

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9           Section 1. Section 501.97, Florida Statutes, is  
10          created to read:

11                 501.97 Deceptive trade practices; telephone  
12          directories and databases; penalties.--

13                 (1)(a) A person may not misrepresent the geographic  
14          location of the supplier of a service or product by listing a  
15          fictitious business name or an assumed business name in a  
16          local telephone directory if:

17                         1. The name misrepresents the geographic location of  
18          the supplier;

19                         2. The listing fails to identify the address,  
20          including the state of the business of the supplier;

21                         3. Calls to the local telephone number are routinely  
22          forwarded or otherwise transferred to a business location that  
23          is outside the calling area covered by the local telephone  
24          directory; and

25                         4. The business location of the supplier is located in  
26          a county that is not contiguous to a county in the calling  
27          area covered by the local telephone directory.

28                 (b) A person may not list a fictitious business name  
29          or assumed business name in a directory assistance database  
30          if:

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1           1. The name misrepresents the geographic location of  
2 the supplier;

3           2. Calls to the local telephone number are routinely  
4 forwarded or otherwise transferred to a business location that  
5 is outside the local calling area; and

6           3. The business location of the supplier is located in  
7 a county that is not contiguous to a county in the local  
8 calling area.

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10 For purposes of this section, a telephone company or other  
11 provider of a telephone directory or directory assistance  
12 service or its officer or agent is immune from liability for  
13 publishing the listing of a fictitious business name or  
14 assumed business name of a supplier in its directory or  
15 directory assistance database unless the telephone company or  
16 other provider of a telephone or directory assistance service  
17 is the same person as the supplier of services or products who  
18 has committed the deceptive act. This section applies to all  
19 directories published after the effective date of this act.

20           (2) Any person violating the provisions of this  
21 section is guilty of a deceptive and unfair trade practice and  
22 subject to any and all penalties under part II of chapter 501.

23           Section 2. This act shall take effect upon becoming a  
24 law.

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27           HOUSE SUMMARY

28           Prohibits a person from using a fictitious name in the  
29           conduct of business with an intent to misrepresent the  
30           geographic origin or location of the business. Provides  
31           that a person who violates this act is guilty of a  
          deceptive and unfair trade practice. See bill for  
          details.