

HB 271

2015

1 A bill to be entitled

2 An act relating to consumer protection; creating s.  
3 501.155, F.S.; providing a short title; providing  
4 applicability; providing definitions; requiring owners  
5 and operators of specified websites and online  
6 services to disclose certain information; providing  
7 for injunctive relief; providing an effective date.  
8

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

10  
11 Section 1. Section 501.155, Florida Statutes, is created  
12 to read:

13 501.155 Electronic dissemination of commercial recordings  
14 or audiovisual works; required disclosures; injunctive relief.-

15 (1) SHORT TITLE.—This section may be cited as the "True  
16 Origin of Digital Goods Act."

17 (2) APPLICABILITY.—This section is supplemental to those  
18 provisions of state and federal criminal and civil law which  
19 impose prohibitions or provide penalties, sanctions, or remedies  
20 against the same conduct prohibited by this section. This  
21 section does not:

22 (a) Bar any cause of action or preclude the imposition of  
23 sanctions or penalties that would otherwise be available under  
24 state or federal law.

25 (b) Impose liability on providers of an interactive  
26 computer service, communications service as defined in s.

27 202.11(1), commercial mobile service, or information service,  
28 including, but not limited to, an Internet access service  
29 provider and a hosting service provider, if they provide the  
30 transmission, storage, or caching of electronic communications  
31 or messages of others or provide another related  
32 telecommunications, commercial mobile radio service, or  
33 information service, for use of such services by another person  
34 in violation of this section. This exemption from liability is  
35 consistent with and in addition to any liability exemption  
36 provided under 47 U.S.C. s. 230.

37 (3) DEFINITIONS.—As used in this section, the term:

38 (a) "Commercial recording or audiovisual work" means a  
39 recording or audiovisual work whose owner, assignee, authorized  
40 agent, or licensee has disseminated or intends to disseminate  
41 such recording or audiovisual work for sale, rental, or for  
42 performance or exhibition to the public, including under  
43 license, but does not include an excerpt consisting of less than  
44 substantially all of a recording or audiovisual work. A  
45 recording or audiovisual work may be commercial regardless of  
46 whether a person who electronically disseminates it seeks  
47 commercial advantage or private financial gain from the  
48 dissemination. The term does not include video games, depictions  
49 of video game play, or the streaming of video game activity.

50 (b) "Electronic dissemination" means initiating a  
51 transmission of, making available, or otherwise offering a  
52 commercial recording or audiovisual work for distribution

53 through the Internet or other digital network, regardless of  
54 whether another person has previously electronically  
55 disseminated the same commercial recording or audiovisual work.

56 (c) "E-mail address" means an electronic mail address as  
57 defined in s. 668.602.

58 (4) DISCLOSURE OF INFORMATION.—

59 (a) A person who owns or operates a website or online  
60 service dealing in substantial part in the electronic  
61 dissemination of commercial recordings or audiovisual works,  
62 directly or indirectly, to consumers in this state shall clearly  
63 and conspicuously disclose his or her true and correct name,  
64 physical address, and telephone number or e-mail address on his  
65 or her website or online service in a location readily  
66 accessible to a consumer using or visiting the website or online  
67 service.

68 (b) The following locations are deemed readily accessible  
69 for purposes of this subsection:

- 70 1. A landing or home web page or screen;
- 71 2. An "about" or "about us" web page or screen;
- 72 3. A "contact" or "contact us" web page or screen;
- 73 4. An information web page or screen; or
- 74 5. Another place on the website or online service commonly  
75 used to display identifying information to consumers.

76 (5) INJUNCTIVE RELIEF.—

77 (a) An owner, assignee, authorized agent, or licensee of a  
78 commercial recording or audio visual work aggrieved by a

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79 violation of this section may bring a private cause of action to  
80 obtain a declaratory judgment that an act or practice violates  
81 this section and enjoin any person who has violated, is  
82 violating, or is otherwise likely to violate this section.

83 (b) Upon motion of the party instituting the action, the  
84 court may make appropriate orders to compel compliance with this  
85 section.

86 (c) The prevailing party in a cause under this section is  
87 entitled to recover necessary expenses and reasonable attorney  
88 fees.

89 Section 2. This act shall take effect July 1, 2015.