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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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04/01/2021 10:24 AM

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Senator Pizzo moved the following:

**Senate Amendment (with title amendment)**

Between lines 242 and 243

insert:

Section 19. Section 501.172, Florida Statutes, is created and incorporated into part I of chapter 501, Florida Statutes, to read:

501.172 Unlawful acts by digital application distribution platforms.—

(1) For the purpose of this section, the term:

(a) "Developer" means a creator of software applications



12 made available for download by users through a digital  
13 application distribution platform or other digital distribution  
14 platform.

15 (b) "Digital application distribution platform:"

16 1. Means a digital distribution platform for applications  
17 and services provided to users on general-purpose hardware,  
18 including, but not limited to, mobile phones, smartphones,  
19 tablets, personal computers, and other general-purpose devices  
20 connected to the Internet; and

21 2. Includes a digital distribution platform provided or  
22 used only for certain types of devices, such as certain grades  
23 of computing devices, devices that are made only by a particular  
24 manufacturer, or devices that run a particular operating system.

25 (c) "Domiciled in this state" means that a person conducts  
26 a substantial portion of his or her work to create or to  
27 maintain digital applications in this state.

28 (d) "Florida user" means a user whose most recent physical  
29 address shown in the records of a provider is located within  
30 this state.

31 (e) "In-application payment system" means an application,  
32 service, or user interface used to process payments from users  
33 to developers for software applications and digital and physical  
34 products and services distributed through software applications.

35 (f) "Provider" means a person who owns, operates,  
36 implements, or maintains a digital application distribution  
37 platform or an in-application payment system.

38 (g) "Special purpose digital application distribution  
39 platform" means a digital distribution platform for single or  
40 specialized categories of applications, software, and services



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41 which is provided to users on hardware intended primarily for  
42 specific purposes, including, but not limited to, gaming  
43 consoles, music players, and other special-purpose devices  
44 connected to the Internet.

45 (2) A provider of a general purpose operating system with a  
46 digital application distribution platform on which cumulative  
47 downloads of software applications from the digital application  
48 distribution platform to Florida users exceeds 1 million  
49 downloads in the previous or current calendar year may not do  
50 any of the following:

51 (a) Require a developer domiciled in this state to use a  
52 particular in-application payment system as the exclusive mode  
53 of accepting payments from a user to download a software  
54 application onto the operating system or purchase a digital or  
55 physical product or service through a software application  
56 installed on the operating system.

57 (b) Require exclusive use of a particular in-application  
58 payment system as the mode of accepting payments from Florida  
59 users to download a software application onto the operating  
60 system or to purchase a digital or physical product or service  
61 through a software application installed on the operating  
62 system.

63 (c) Retaliate against a developer domiciled in this state  
64 or a Florida user for using an in-application payment system or  
65 digital application distribution platform that is not owned by,  
66 operated by, or affiliated with the provider; or retaliate  
67 against a developer that uses an in-application payment system  
68 or digital application distribution platform to accept payments  
69 or distribute applications from Florida users.



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70       (3) Conduct in violation of this section is deemed to be an  
71 unlawful practice. A person aggrieved by a violation of this  
72 section may bring an action to enjoin the violation or for  
73 restitution, or both. The court may award the plaintiff costs,  
74 expenses, and reasonable attorney fees. This section does not  
75 limit any other claims the plaintiff may have under any other  
76 provision of law.

77       (4) This section does not apply to special-purpose digital  
78 application distribution platforms.

79       (5) The Attorney General shall receive complaints and  
80 investigate alleged violations of this section and may bring an  
81 action in any court of competent jurisdiction to obtain legal or  
82 equitable relief on behalf of a person aggrieved by such  
83 violation.

84  
85 ===== T I T L E   A M E N D M E N T =====

86 And the title is amended as follows:

87       Delete line 37

88 and insert:

89       emergency to be extended by executive order; creating  
90       s. 501.172, F.S.; defining terms; prohibiting certain  
91       software providers from engaging in certain conduct;  
92       authorizing an aggrieved person to seek legal  
93       remedies; authorizing the court to award fees, costs,  
94       and reasonable attorney fees; providing construction;  
95       providing application; requiring the Attorney General  
96       to receive complaints and to investigate; authorizing  
97       the Attorney General to bring legal action for alleged  
98       violations; amending