

1 A bill to be entitled
 2 An act relating to sexually explicit images of minors;
 3 creating s. 847.01358, F.S.; creating a cause of
 4 action against an interactive computer service for
 5 unlawful practices; providing for compensatory
 6 damages, injunctive relief, and civil penalties;
 7 providing for awards of attorney fees and costs;
 8 providing for use of pseudonyms for victims; amending
 9 s. 92.56, F.S.; conforming provisions to changes made
 10 by the act; providing an effective date.

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

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14 Section 1. Section 847.01358, Florida Statutes, is created
 15 to read:

16 847.01358 Cause of action for failure of an interactive
 17 computer service to remove a sexually explicit image involving a
 18 minor.-

19 (1) As used in this section, the term:

20 (a) "Interactive computer service" means any information
 21 service, system, or access software provider that provides or
 22 enables computer access by multiple users to a computer server,
 23 including specifically a service or system that provides access
 24 to the Internet and such systems operated or services offered by
 25 libraries or educational institutions.

26 (b) "Minor" means a person who has not attained the age of
27 18 years.

28 (c) "Sexually explicit image depicting a minor" means a
29 sexually explicit image as defined in s. 784.049(2), which
30 depicts as its subject a person who was a minor at the time of
31 the depiction.

32 (2) To the extent not inconsistent with federal law and
33 notwithstanding any other provision of state or local law, a
34 person who, when a minor, was the subject of a sexually explicit
35 image depicting a minor, may bring a civil action against an
36 interactive computer service if the interactive computer service
37 fails to remove such image within 24 hours of being notified in
38 writing of the image's existence on the platform. If the
39 plaintiff in such action is a minor, the action may be brought
40 on the minor's behalf by a parent or guardian as authorized by
41 law.

42 (3) (a) In a civil action brought under subsection (2), the
43 court may award compensatory damages and may grant equitable
44 relief, including injunctive relief, to a prevailing plaintiff.
45 The court may also award punitive damages if the defendant's
46 conduct was willful.

47 (b) In addition to the remedies in paragraph (a), the
48 court may impose a civil penalty of \$100,000 per day for
49 noncompliance with an injunction. Funds collected from this
50 civil penalty shall be deposited in the Crimes Compensation

51 Trust Fund created in s. 960.21 to provide benefits under the
52 Florida Crimes Compensation Act. The court shall award
53 reasonable attorney fees and court costs related to the issuance
54 of the injunction.

55 (4) A victim who has a bona fide claim under this section
56 shall, upon request, be provided a pseudonym, pursuant to s.
57 92.56(3), which shall be issued and maintained by the Department
58 of Legal Affairs for use in all legal pleadings. This identifier
59 shall be fully recognized in all courts in this state as a valid
60 legal identity.

61 Section 2. Subsection (3) of section 92.56, Florida
62 Statutes, is amended to read:

63 92.56 Judicial proceedings and court records involving
64 sexual offenses and human trafficking.—

65 (3) The state may use a pseudonym instead of the victim's
66 name to designate the victim of a crime described in s.
67 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f),
68 or (g), or in chapter 794 or chapter 800, or of child abuse,
69 aggravated child abuse, or sexual performance by a child as
70 described in chapter 827, or any crime involving the production,
71 possession, or promotion of child pornography as described in
72 chapter 847, or at the request of a victim in an action under s.
73 847.01358, in all court records and records of court
74 proceedings, both civil and criminal.

75 Section 3. This act shall take effect July 1, 2021.