

1 A bill to be entitled
 2 An act relating to digital application purchases and
 3 payments; creating s. 501.9747, F.S.; providing
 4 definitions; prohibiting certain providers that own,
 5 operate, implement, or maintain digital application
 6 distribution platforms and in-application payment
 7 systems from requiring such payment systems as the
 8 exclusive mode of accepting payments for the download
 9 or purchase of software applications and products or
 10 services; prohibiting retaliation by providers against
 11 developers and users for the use of distribution
 12 platforms or payment systems that are not owned or
 13 operated by or affiliated with the provider; providing
 14 that a specified violation is an unfair or deceptive
 15 trade practice; requiring the Department of Legal
 16 Affairs to receive complaints and investigate
 17 violations; providing for the department and aggrieved
 18 parties to bring certain actions; providing for the
 19 award of specified costs, expenses, and fees;
 20 providing construction and applicability; providing an
 21 effective date.

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

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 25 Section 1. Section 501.9747, Florida Statutes, is created

26 | to read:

27 | 501.9747 Unlawful acts by digital application distribution
28 | platforms.-

29 | (1) As used in this section:

30 | (a) "Developer" means a creator of software applications
31 | that are made available for download by users through a digital
32 | application distribution platform or other digital distribution
33 | platform.

34 | (b) "Digital application distribution platform" means:

35 | 1. A digital distribution platform for software
36 | applications and products or services that are provided to users
37 | on general purpose hardware, including mobile phones,
38 | smartphones, tablets, personal computers, and other general
39 | purpose devices that are connected to the internet.

40 | 2. A digital distribution platform that is provided or
41 | used for only certain types of devices, such as certain grades
42 | of computing devices, devices that are only made by a specific
43 | manufacturer, or devices that run a specific operating system.

44 | (c) "Domiciled in this state" means a person who conducts
45 | a substantial portion of work to create or maintain digital
46 | software applications.

47 | (d) "Florida user" means a user whose most recent address
48 | shown in the records of a provider is located within this state.

49 | (e) "In-application payment system" means an application,
50 | service, or user interface that is used to process payments from

51 users to developers for software applications and products or
52 services distributed through software applications.

53 (f) "Provider" means an entity that owns, operates,
54 implements, or maintains a digital application distribution
55 platform or an in-application payment system.

56 (2) A provider of a general purpose operating system with
57 a digital application distribution platform that has more than 1
58 million cumulative downloads of software applications from the
59 digital application distribution platform to Florida users in
60 the previous or current calendar year may not do any of the
61 following:

62 (a) Require a developer that is domiciled in this state to
63 use a particular in-application payment system as the exclusive
64 mode of accepting payments from a user to download a software
65 application onto the operating system or purchase a digital or
66 physical product or service through a software application
67 installed on the operating system.

68 (b) Require exclusive use of a particular in-application
69 payment system as the exclusive mode of accepting payments from
70 Florida users to download a software application onto the
71 operating system or purchase a digital or physical product or
72 service through a software application installed on the
73 operating system.

74 (c) Retaliate against a developer that is domiciled in
75 this state or a Florida user for using an in-application payment

76 system or digital application distribution platform that is not
77 owned or operated by or affiliated with the provider.

78 (d) Retaliate against a developer that is domiciled in
79 this state for using an in-application payment system or digital
80 application distribution platform that is not owned or operated
81 by or affiliated with the provider to distribute software
82 applications to or accept payments from Florida users.

83 (3) (a) A violation of this section is an unfair or
84 deceptive trade practice.

85 (b) The department shall receive complaints and
86 investigate violations of this section and may bring an action
87 in any court of competent jurisdiction to obtain legal or
88 equitable relief on behalf of a person aggrieved by the
89 violation.

90 (c) A person aggrieved by a violation of this section may
91 bring an action to enjoin the violation or for restitution, or
92 both. The court may award the plaintiff costs, expenses, and
93 reasonable attorney fees. This paragraph does not limit any
94 other claims the plaintiff may have under any other provision of
95 law.

96 (4) This section does not apply to a digital distribution
97 platform for single or specialized categories of applications,
98 software, and services or products that are provided to users on
99 hardware intended primarily for specific purposes, including
100 gaming consoles, music players, and other special-purpose

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101 | devices that are connected to the Internet.

102 | Section 2. This act shall take effect July 1, 2022.