

1 A bill to be entitled
 2 An act relating to removal of altered sexual
 3 depictions posted without consent; providing a short
 4 title; amending s. 836.13, F.S.; defining the term
 5 "covered platform"; requiring covered platforms to
 6 establish a process for removal of altered sexual
 7 depictions posted without the consent of the
 8 identifiable person; providing requirements for such a
 9 process; requiring notice of such a process; providing
 10 immunity for good faith compliance; prohibiting
 11 unreasonable failure to comply; providing remedies;
 12 providing exceptions; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 **Section 1.** This act may be cited as "Brooke's Law."

17 **Section 2. Paragraphs (b) through (e) of subsection (1) of**
 18 **section 836.13, Florida Statutes, are redesignated as paragraphs**
 19 **(c) through (f), respectively, a new paragraph (b) is added to**
 20 **that subsection, subsections (6), (7), and (8) of that section**
 21 **are renumbered as subsections (7), (8), and (9), respectively,**
 22 **and a new subsection (6) is added to that section, to read:**

23 836.13 Promotion of an altered sexual depiction;
 24 prohibited acts; penalties; applicability.-

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

26 (b) "Covered platform" means a website, online service,
27 online application, or mobile application that serves the public
28 and:

29 1. That primarily provides a forum for user-generated
30 content, including messages, videos, images, games, and audio
31 files; or

32 2. For which it is in the regular course of trade or
33 business of the website, online service, online application, or
34 mobile application to publish, curate, host, or make available
35 content of nonconsensual altered sexual depictions.

36 (6) (a) No later than December 31, 2025, a covered platform
37 shall establish a process whereby an identifiable person or an
38 authorized person acting on behalf of such person may:

39 1. Notify the covered platform of an altered sexual
40 depiction published on the covered platform which includes a
41 depiction of the identifiable person and was published without
42 the consent of the identifiable person; and

43 2. Submit a request for the covered platform to remove
44 such altered sexual depiction.

45 (b) A notification and request for removal of an altered
46 sexual depiction submitted under the process in paragraph (a)
47 shall include, in writing:

48 1. A physical or electronic signature of the identifiable
49 person or authorized person.

50 2. An identification of, and information reasonably

51 sufficient for the covered platform to locate, the altered
52 sexual depiction of the identifiable person.

53 3. A brief statement that the identifiable person has a
54 good faith belief that any altered sexual depiction identified
55 under subparagraph 2. is not consensual, including any relevant
56 information for the covered platform to determine the altered
57 sexual depiction was published without the consent of the
58 identifiable person.

59 4. Information sufficient to enable the covered platform
60 to contact the identifiable person or authorized person.

61 (c) A covered platform shall provide on the platform a
62 clear and conspicuous notice, which may be provided through a
63 clear and conspicuous link to another web page or disclosure, of
64 the notice and removal process established under paragraph (a)
65 which:

66 1. Is easy to read and in plain language.

67 2. Provides information regarding the responsibilities of
68 the covered platform under this subsection, including a
69 description of how a person can submit a notification and
70 request for removal.

71 (d) Upon receiving a valid removal request from an
72 identifiable person or an authorized person using the process
73 described in paragraph (a), a covered platform shall, as soon as
74 possible, but not later than 48 hours after receiving such
75 request:

76 1. Remove the altered sexual depiction.

77 2. Make reasonable efforts to identify and remove any
 78 known identical copies of such altered sexual depiction.

79 (e) A covered platform shall not be liable for any claim
 80 based on the covered platform's good faith disabling of access
 81 to, or removal of, material claimed to be a nonconsensual
 82 altered sexual depiction based on facts or circumstances from
 83 which the unlawful publishing of an altered sexual depiction is
 84 apparent, regardless of whether the altered sexual depiction is
 85 ultimately determined to be unlawful.

86 (f) In addition to the remedies under subsection (5), a
 87 failure to reasonably comply with the notice and removal
 88 obligations under this subsection shall be treated as a an
 89 unfair or a deceptive act or practice under part II of chapter
 90 501, and the person or entity responsible shall be subject to
 91 the penalties and remedies provided in part II of chapter 501.

92 (g) This subsection does not apply to the following:

93 1. An information service or a telecommunications service,
 94 as those terms are defined in 47 U.S.C. s. 153, providing
 95 services for content provided by another person.

96 2. Electronic mail.

97 3. Except as provided in subparagraph (1)(b)2., an online
 98 service, application, or website:

99 a. That consists primarily of content that is not user
 100 generated but is preselected by the provider of such online

101 service, application, or website; and

102 b. For which any chat, comment, or interactive
103 functionality is incidental to, directly related to, or
104 dependent on the provision of the content described in
105 subparagraph a.

106 **Section 3.** This act shall take effect upon becoming a law.