

By Senator Calatayud

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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 by a specified date for removal of
7 altered sexual depictions posted without the consent
8 of the identifiable person; providing requirements for
9 such process; requiring notice of such a process;
10 providing immunity for good faith compliance;
11 prohibiting unreasonable failure to comply; providing
12 for penalties and remedies; providing exceptions;
13 providing an effective date.

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

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17 Section 1. This act may be cited as "Brooke's Law."

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

25 836.13 Promotion of an altered sexual depiction; prohibited
26 acts; penalties; applicability.—

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

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

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30 and:

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

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

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

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

45 2. Submit a request for the covered platform to remove such
46 altered sexual depiction.

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

50 1. A physical or electronic signature of the identifiable
51 person or authorized person.

52 2. An identification of, and information reasonably
53 sufficient for the covered platform to locate, the altered
54 sexual depiction of the identifiable person.

55 3. A brief statement that the identifiable person has a
56 good faith belief that any altered sexual depiction identified
57 under subparagraph 2. is not consensual, including any relevant
58 information for the covered platform to determine the altered

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59 sexual depiction was published without the consent of the
60 identifiable person.

61 4. Information sufficient to enable the covered platform to
62 contact the identifiable person or authorized person.

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

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

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

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

78 1. Remove the altered sexual depiction.

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

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

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

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

95 1. A provider of broadband Internet access service, as
96 described in 47 C.F.R. s. 8.1(b).

97 2. Electronic mail.

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

100 a. That consists primarily of content that is not user
101 generated but is preselected by the provider of such online
102 service, application, or website; and

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

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