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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/02/2025	.	
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The Committee on Judiciary (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Between lines 117 and 118
insert:

Section 2. Subsections (1), (2), and (3), paragraphs (a) and (b) of subsection (5), and subsection (6) of section 501.1737, Florida Statutes, are amended to read:

501.1737 Age verification for online access to materials harmful to minors.—

(1) As used in this section and s. 501.1741, the term:

(a) "Anonymous age verification" has the same meaning as in



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s. 501.1738.

(b) "Application store" means a publicly available website, software application, or online service that distributes third-party platforms' software applications to a computer, a mobile device, or any other general-purpose computing device.

(c) ~~(b)~~ "Commercial entity" includes a corporation, a limited liability company, a partnership, a limited partnership, a sole proprietorship, and any other legally recognized entity.

(d) "Covered manufacturer" means a manufacturer of a device, an operating system for a device, or an application store.

(e) ~~(e)~~ "Department" means the Department of Legal Affairs.

(f) "Device" means equipment or a portion of equipment that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a desktop, a laptop, a cellular telephone, a tablet, or any other device designed for and capable of communicating with or across a computer network and that is used for such purpose.

(g) "Digital age verification" means either anonymous age verification, standard age verification, or device-based age verification.

(h) ~~(d)~~ "Distribute" means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means.

(i) ~~(e)~~ "Material harmful to minors" means any material that:

1. The average person applying contemporary community



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standards would find, taken as a whole, appeals to the prurient interest;

2. Depicts or describes, in a patently offensive way, sexual conduct as specifically defined in s. 847.001(19); and

3. When taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(j)~~(f)~~ "News-gathering organization" means any of the following:

1. A newspaper, news publication, or news source, printed or published online or on a mobile platform, engaged in reporting current news and matters of public interest, and an employee thereof who can provide documentation of such employment.

2. A radio broadcast station, television broadcast station, cable television operator, or wire service, and an employee thereof who can provide documentation of such employment.

(k) "Operating system provider" means an entity that develops, distributes, or maintains the operating system of, and provides common services for, a device. The term includes the design, programming, and supply of operating systems for various devices such as smartphones, tablets, and other digital equipment.

(l)~~(g)~~ "Publish" means to communicate or make information available to another person or entity on a publicly available website or application.

(m)~~(h)~~ "Resident" means a person who lives in this state for more than 6 months of the year.

(n)~~(i)~~ "Standard age verification" means any commercially reasonable method of age verification approved by the commercial



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entity.

~~(o)(j)~~ "Substantial portion" means more than 33.3 percent of total material on a website or application.

(2) A commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors, must use digital ~~either anonymous age verification or standard age verification~~ to verify that the age of a person attempting to access the material is 18 years of age or older and prevent access to the material by a person younger than 18 years of age. The commercial entity must offer anonymous age verification and standard age verification, and a person attempting to access the material may select which method will be used to verify his or her age unless the commercial entity is relying on device-based age verification pursuant to s. 501.1741.

(3) A commercial entity must ensure that the requirements of s. 501.1738 are met unless the commercial entity is relying on device-based age verification pursuant to s. 501.1741. A covered manufacturer must ensure that the requirements of s. 501.1741 are met.

(5)(a) Any violation of subsection (2) or subsection (3) is deemed an unfair and deceptive trade practice actionable under part II of this chapter solely by the department on behalf of a resident minor against a commercial entity or a covered manufacturer. If the department has reason to believe that a commercial entity or a covered manufacturer is in violation of subsection (2) or subsection (3), the department, as the enforcing authority, may bring an action against the commercial



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entity or a covered manufacturer for an unfair or deceptive act or practice. For the purpose of bringing an action pursuant to this section, ss. 501.211 and 501.212 do not apply. In addition to any other remedy under part II of this chapter, the department may collect a civil penalty of up to \$50,000 per violation and reasonable attorney fees and court costs. When the commercial entity's or a covered manufacturer's failure to comply with subsection (2) or subsection (3) is a consistent pattern of conduct of the commercial entity or covered manufacturer, punitive damages may be assessed against the commercial entity or covered manufacturer.

(b) A third party that performs age verification for a commercial entity or covered manufacturer in violation of s. 501.1738 is deemed to have committed an unfair and deceptive trade practice actionable under part II of this chapter solely by the department against such third party. If the department has reason to believe that the third party is in violation of s. 501.1738, the department, as the enforcing authority, may bring an action against such third party for an unfair or deceptive act or practice. For the purpose of bringing an action pursuant to this section, ss. 501.211 and 501.212 do not apply. In addition to other remedies under part II of this chapter, the department may collect a civil penalty of up to \$50,000 per violation and reasonable attorney fees and court costs.

(6) For purposes of bringing an action under subsection (5), a commercial entity or covered manufacturer that publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors and such



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website or application is available to be accessed in this state, is considered to be both engaged in substantial and not isolated activities within this state and operating, conducting, engaging in, or carrying on a business and doing business in this state, and is therefore subject to the jurisdiction of the courts of this state.

Section 3. Section 501.1741, Florida Statutes, is created to read:

501.1741 Device-based age verification.—

(1) Upon activation of a device, a covered manufacturer must take commercially reasonable and technically feasible steps to do all of the following:

(a) Determine or estimate the age of the user of the device.

(b) Provide websites, applications, application stores, and online services with a digital signal and a real-time application programming interface to verify that a person is:

1. Younger than 13 years of age.

2. At least 13 years of age but younger than 16 years of age.

3. At least 16 years of age but younger than 18 years of age.

4. Eighteen years of age or older.

(c) If the covered manufacturer is an application store, obtain parental or guardian consent before permitting a person younger than 16 years of age to download an application from the application store and provide the parent or guardian with the option to connect the developer of the application with the approving parent or guardian for the purpose of facilitating



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parental supervision tools.

(d) Beginning July 1, 2026, ensure that the requirements of this section are included by default in all operating systems and application store versions and updates for devices sold after July 1, 2026.

(2) A website, an application, or an online service that makes available material harmful to minors must recognize and allow for the receipt of digital age signals pursuant to this section.

(3) A website, an application, or an online service that makes available a substantial portion of material harmful to minors must do all of the following:

(a) Block access to the website, application, or online service if an age signal is received indicating that the person using such website, application, or online service is under 18 years of age.

(b) Provide a disclaimer to the user or visitors that the website, application, or online service contains material harmful to minors.

(c) Label itself as restricted to adults.

(4) A website, an application, or an online service that knowingly makes available less than a substantial portion of material harmful to minors must do all of the following:

(a) Block access to known material harmful to minors if an age signal is received indicating that the person using such website, application, or online service is under 18 years of age.

(b) Provide a disclaimer to users or visitors before displaying known material harmful to minors.



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186 (5) A website, an application, or an online service with
187 actual knowledge, through receipt of a signal regarding a user's
188 age or otherwise, that a user is under 18 years of age must, to
189 the extent commercially reasonable and technically feasible,
190 provide readily available features for parents or guardians to
191 support a minor with respect to the minor's use of the service,
192 including features to help manage which persons or accounts are
193 affirmatively linked to the minor, to help manage the delivery
194 of age-appropriate content, and to limit the amount of time that
195 the minor spends daily on the website, application, or online
196 service.

197 (6) A covered manufacturer must comply with this section in
198 a nondiscriminatory manner, specifically including, but not
199 limited to, imposing at least the same restrictions and
200 obligations on its own websites, applications, and online
201 services as it does on those from third parties.

202 (7) A covered manufacturer may not:

203 (a) Use data collected from third parties, or consent
204 mechanisms deployed for third parties, in the course of
205 compliance with this section to compete against such third
206 parties;

207 (b) Give the covered manufacturer's services preference
208 relative to those of third parties; or

209 (c) Otherwise use data collected from third parties or
210 consent mechanisms deployed by third parties in an
211 anticompetitive manner.

212 (8) After requisite notice and public comment, the
213 department may adopt rules necessary to establish the processes
214 by which entities are to comply with this section.



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(9) This section is intended to provide uniformity of the law. Any state law, regulation, or policy or any ordinance, regulation, or policy adopted by a county, a municipality, an administrative agency, or other political subdivision of this state which is in conflict with this section is hereby superseded and is deemed null and void to the extent of the conflict with this section.

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

And the title is amended as follows:

Delete lines 2 - 10

and insert:

An act relating to online access by minors; amending s. 501.1736, F.S.; requiring social media platforms to disable certain encryption features for a specified purpose; amending s. 501.1737, F.S.; defining terms; revising the age verification method used by certain commercial entities to verify the age of a person accessing certain material; providing an exception; requiring a covered manufacturer to ensure certain statutory requirements are met; authorizing the Department of Legal Affairs to bring an action against covered manufacturers; authorizing the imposition of civil penalties against covered manufacturers; conforming provisions to changes made by the act; creating s. 501.1741, F.S.; requiring covered manufacturers to take certain steps upon activation of a device; requiring certain websites, applications, or online services to take certain actions based on the



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244 amount of material harmful to minors found on such
245 websites, applications, or online services; requiring
246 covered manufacturers to comply with statutory
247 requirements in a nondiscriminatory manner;
248 prohibiting covered manufacturers from taking certain
249 actions; authorizing the Department of Legal Affairs
250 to adopt rules; providing preemption;