

Committee on Commerce and Tourism

CS/CS/HB 1161 — Removal of Altered Sexual Depictions Posted Without Consent

by Commerce Committee; Industries & Professional Activities Subcommittee; and Rep. Duggan and others (CS/SB 1400 by Commerce and Tourism Committee and Senator Calatayud)

The bill requires certain internet platforms to establish a process by which a person may notify and request removal of an altered sexual depiction that was published without the person's consent. Altered sexual depictions are photos or videos which are digitally modified with nude body parts or sexual conduct, colloquially known as deepfake porn, as defined in s. 836.13, F.S. Covered internet platforms are those which primarily provide a forum for user-generated content or for which it is in the regular course of business to publish, curate, or host content of nonconsensual altered sexual depictions.

The bill requires a covered platform, by December 31, 2025, to provide clear and conspicuous notice of its notice and removal process for an individual, or an authorized person acting on their behalf, to request removal of altered sexual depictions posted without the individual's consent. Within 48 hours of receiving a valid notification and request for removal, the covered platform must remove the altered sexual depiction and make reasonable efforts to identify and remove identical copies of such depiction.

Under the bill, a failure to reasonably comply with the notice and removal process constitutes an unfair or a deceptive act or practice under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). Under FDUTPA, the Department of Legal Affairs or the state attorney's office in the appropriate judicial circuit may seek declaratory judgment, injunctive relief, actual damages on behalf of consumers; cease and desist orders; and civil penalties of up to \$10,000 per violation. An affected individual may also seek relief under FDUTPA, including declaratory judgment, injunctive relief, actual damages, attorney fees, and court costs.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming a law.

Vote: Senate 38-0; House 116-0