



493094

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Fiscal Policy (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 501.1737, Florida Statutes, is created  
to read:

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

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

(a) "Commercial entity" includes a corporation, a limited



11 liability company, a partnership, a limited partnership, a sole  
12 proprietorship, and any other legally recognized entity.

13 (b) "Department" means the Department of Legal Affairs.

14 (c) "Distribute" means to issue, sell, give, provide,  
15 deliver, transfer, transmit, circulate, or disseminate by any  
16 means.

17 (d) "Material harmful to minors" means any material that:

18 1. The average person applying contemporary community  
19 standards would find, taken as a whole, appeals to the prurient  
20 interest;

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

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

25 (e) "News-gathering organization" means any of the  
26 following:

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

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

35 (f) "Publish" means to communicate or make information  
36 available to another person or entity on a publicly available  
37 website or application.

38 (g) "Reasonable age verification methods" means a  
39 commercially reasonable method used by a government agency or a



493094

40 business for the purpose of age verification which is conducted  
41 by a nongovernmental, independent, third-party organized under  
42 the laws of a state of the United States which:

43 1. Has its principal place of business in a state of the  
44 United States; and

45 2. Is not owned or controlled by a company formed in a  
46 foreign country, a government of a foreign country, or any other  
47 entity formed in a foreign country.

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

50 (i) "Substantial portion" means more than 33.3 percent of  
51 total material on a website or application.

52 (2) A commercial entity that knowingly and intentionally  
53 publishes or distributes material harmful to minors on a website  
54 or application, if the website or application contains a  
55 substantial portion of material harmful to minors, must perform  
56 reasonable age verification methods to verify the age of a  
57 person attempting to access the material is 18 years of age or  
58 older and prevent access to the material by a person younger  
59 than 18 years of age.

60 (3) A third party conducting age verification:

61 (a) May not retain personal identifying information used to  
62 verify age once the age of an account holder or a person seeking  
63 an account has been verified.

64 (b) May not use personal identifying information used to  
65 verify age for any other purpose.

66 (c) Must keep anonymous any personal identifying  
67 information used to verify age. Such information may not be  
68 shared or otherwise communicated to any person.



493094

69       (d) Must protect personal identifying information used to  
70 verify age from unauthorized or illegal access, destruction,  
71 use, modification, or disclosure through reasonable security  
72 procedures and practices appropriate to the nature of the  
73 personal information.

74       (4) (a) This section does not apply to any bona fide news or  
75 public interest broadcast, website video, report, or event and  
76 does not affect the rights of a news-gathering organization.

77       (b) An Internet service provider or its affiliates or  
78 subsidiaries, a search engine, or a cloud service provider does  
79 not violate this section solely for providing access or  
80 connection to or from a website or other information or content  
81 on the Internet or a facility, system, or network not under the  
82 provider's control, including transmission, downloading,  
83 intermediate storage, or access software, to the extent the  
84 provider is not responsible for the creation of the content of  
85 the communication which constitutes material harmful to minors.

86       (5) (a) Any violation of subsection (2) or subsection (3) is  
87 deemed an unfair and deceptive trade practice actionable under  
88 part II of this chapter solely by the department on behalf of a  
89 resident minor against a commercial entity. If the department  
90 has reason to believe that a commercial entity is in violation  
91 of subsection (2) or subsection (3), the department, as the  
92 enforcing authority, may bring an action against the commercial  
93 entity for an unfair or deceptive act or practice. For the  
94 purpose of bringing an action pursuant to this section, ss.  
95 501.211 and 501.212 do not apply. In addition to any other  
96 remedy under part II of this chapter, the department may collect  
97 a civil penalty of up to \$50,000 per violation of this section.



493094

98           (b) A commercial entity that violates subsection (2) for  
99 failing to prohibit or block a minor from future access to  
100 material harmful to minors after a report of unauthorized or  
101 unlawful access is liable to the minor for such access,  
102 including court costs and reasonable attorney fees as ordered by  
103 the court. Claimants may be awarded up to \$10,000 in damages. A  
104 civil action for a claim under this paragraph must be brought  
105 within 1 year after the violation.

106           (c) Any action under this subsection may only be brought on  
107 behalf of or by a resident minor.

108           (6) For purposes of bringing an action under subsection  
109 (5), a commercial entity that publishes or distributes material  
110 harmful to minors on a website or application, if the website or  
111 application contains a substantial portion of material harmful  
112 to minors and such website or application is available to be  
113 accessed in this state, is considered to be both engaged in  
114 substantial and not isolated activities within this state and  
115 operating, conducting, engaging in, or carrying on a business  
116 and doing business in this state, and is therefore subject to  
117 the jurisdiction of the courts of this state.

118           (7) This section does not preclude any other available  
119 remedy at law or equity.

120           (8) The department may adopt rules to implement this  
121 section.

122           Section 2. If any provision of this act or its application  
123 to any person or circumstances is held invalid, the invalidity  
124 does not affect other provisions or applications of this act  
125 which can be given effect without the invalid provision or  
126 application, and to this end the provisions of this act are



493094

127 severable.

128 Section 3. This act shall take effect July 1, 2024.

129

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

131 And the title is amended as follows:

132 Delete everything before the enacting clause

133 and insert:

134 A bill to be entitled

135 An act relating to online protections for minors;  
136 creating s. 501.1737, F.S.; defining terms; requiring  
137 a commercial entity that publishes or distributes  
138 material harmful to minors on a website or application  
139 that contains a substantial portion of such material  
140 to perform reasonable age verification methods and  
141 prevent access to such material by minors; providing  
142 requirements for a third party conducting age  
143 verification; providing applicability; authorizing the  
144 Department of Legal Affairs to bring an action for  
145 violations under the Florida Deceptive and Unfair  
146 Trade Practices Act; providing civil penalties;  
147 providing for private causes of action; providing that  
148 certain commercial entities are subject to the  
149 jurisdiction of state courts; providing construction;  
150 authorizing the department to adopt rules; providing  
151 for severability; providing an effective date.