A bill to be entitled
An act relating to online access to materials harmful
to minors; creating s. 501.1737, F.S.; providing
definitions; requiring a commercial entity that
publishes or distributes material harmful to minors on
a website or application that contains a substantial
portion of such material to perform reasonable age
verification methods, prevent access to such material
by minors, and provide methods for reporting
unauthorized or unlawful access; prohibiting the
retention of certain personal identifying information;
providing applicability and construction; authorizing
the Department of Legal Affairs to bring an action for
violations under the Florida Deceptive and Unfair
Trade Practices Act; providing civil penalties;
providing for private causes of action; providing that
certain commercial entities are subject to the
jurisdiction of state courts; providing construction;
authorizing the department to adopt rules; providing
an effective date.

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

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

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

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

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

1. The average person applying contemporary community 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.

(e) "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.

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

(g) "Reasonable age verification methods" means any commercially reasonable method regularly used by government agencies or businesses for the purpose of age and identity verification.

(h) "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:

(a) Perform reasonable age verification methods to verify 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 reasonable age verification method must be conducted by a nongovernmental, independent, third-party not affiliated with the commercial entity.

(b) Provide an easily accessible link or function on its...
homepage, landing page, or age verification page to allow a
minor user or the confirmed parent or guardian of a minor user
to report unauthorized or unlawful access. Within 5 days after
such report, the commercial entity must prohibit or block future
access by such minor.

(3) A commercial entity or third party that performs
reasonable age verification methods may not retain any personal
identifying information of the person seeking online access to
material harmful to minors any longer than is reasonably
necessary to verify the age of the person. Any personal
identifying information collected for age verification may not
be used for any other purpose.

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

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

(5)(a) Any violation of subsection (2) or subsection (3)

Page 4 of 6

CODING: Words st_riken are deletions; words underlined are additions.
is an unfair and deceptive trade practice actionable under part II of this chapter solely by the department on behalf of a Florida minor against a commercial entity. If the department has reason to believe that a commercial entity is in violation of subsection (2) or subsection (3), the department, as the enforcing authority, may bring an action against the commercial entity 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 of this section.

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

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

(6) For purposes of bringing an action under subsection (5), a commercial entity 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 website or application is available to be accessed in Florida, 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.

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

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

Section 2. This act shall take effect July 1, 2024.