

By the Committee on Commerce and Tourism; and Senator Calatayud

577-02484-25

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A bill to be entitled
An act relating to removal of altered sexual
depictions posted without consent; providing a short
title; amending s. 836.13, F.S.; defining the term
"covered platform"; requiring covered platforms to
establish a process by a specified date for removal of
altered sexual depictions posted without the consent
of the identifiable person; providing requirements for
such process; requiring notice of such a process;
providing immunity for good faith compliance;
prohibiting unreasonable failure to comply; providing
for penalties and remedies; providing exceptions;
providing an effective date.

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

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

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

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

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

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

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public and:

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

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

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

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

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

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

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

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

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

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59 altered sexual depiction was published without the consent of
60 the 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 is not liable for any claim based on
82 the covered platform's good faith disabling of access to, or
83 removal of, material claimed to be a nonconsensual altered
84 sexual depiction based on facts or circumstances from which the
85 unlawful publishing of an altered sexual depiction is apparent,
86 regardless of whether the altered sexual depiction is ultimately
87 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 information service or telecommunications
96 service, as those terms are defined in 47 U.S.C. s. 153, for
97 content provided by another person.

98 2. Electronic mail.

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

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

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

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