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1. [2024 Bill Text FL H.B. 3](#)

Client/Matter: -None-

Search Terms: "age verification"

Search Type: Natural Language

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Content Type

US Statutes and Legislation

Narrowed by

All Jurisdictions: California,Florida

2024 Bill Text FL H.B. 3

Prefiled, January 5, 2024

Reporter

2024 Bill Text FL H.B. 3

Notice

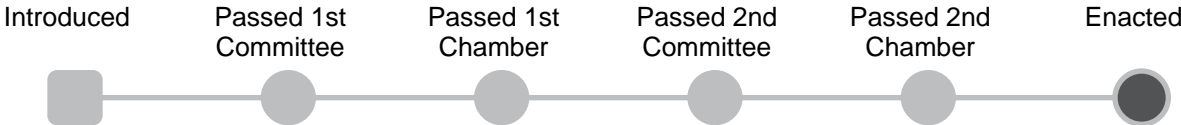
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THE STATE OF FLORIDA BILL TEXT > FLORIDA 126TH REGULAR SESSION > HOUSE BILL 3

Progress



ENACTED | [Legislative Outlook in detail](#)



Synopsis

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.

Text

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

Section 1. [Section 501.1737, Florida Statutes, is created](#) to read:

HB 3 2024 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, TRANSMUTE, 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 INCLUDES AN EMPLOYEE WHO CAN PROVIDE DOCUMENTATION OF SUCH EMPLOYMENT.

2.

A RADIO BROADCAST STATION, TELEVISION BROADCAST STATION, CABLE TELEVISION OPERATOR, OR WIRE SERVICE, AND INCLUDES AN EMPLOYEE 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 AN 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) 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. 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.

History

HB 3

2024

Sponsor(s)

Tramont

Classification

Subject: NEGATIVE PERSONAL NEWS (90%); **AGE VERIFICATION** (89%); GOVERNMENT BODIES & OFFICES (89%); LAW & LEGAL SYSTEM (89%); NEGATIVE BUSINESS NEWS (89%); TRADE PRACTICES & UNFAIR COMPETITION LAW (89%)

Load-Date: January 7, 2024

THE STATE OF FLORIDA BILL TEXT
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