

CHAPTER 2025-133

Committee Substitute for Committee Substitute for House Bill No. 1161

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 for removal of altered sexual depictions posted without the consent of the identifiable person; providing requirements for such a process; requiring notice of such a process; providing immunity for good faith compliance; prohibiting unreasonable failure to comply; providing remedies; providing exceptions; providing severability; 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. 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, subsections (6), (7), and (8) of that section are renumbered as subsections (7), (8), and (9), respectively, and new subsections (6) and (10) are 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, online service, online application, or mobile application that serves the 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) shall 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 the altered sexual depiction was published without the consent of the identifiable person.

4. Information sufficient to enable the covered platform to contact the identifiable person or authorized person.

(c) A covered platform shall provide on the platform a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established under paragraph (a) which:

1. Is easy to read and in plain language.

2. Provides information regarding the responsibilities of the covered platform under this subsection, including a description of how a person can submit a notification and request for removal.

(d) Upon receiving a valid removal request from an identifiable person or an authorized person using the process described in paragraph (a), a covered platform shall, as soon as possible, but not later than 48 hours after receiving such request:

1. Remove the altered sexual depiction.

2. Make reasonable efforts to identify and remove any known identical copies of such altered sexual depiction.

(e) A covered platform shall not be liable for any claim based on the covered platform's good faith disabling of access to, or removal of, material claimed to be a nonconsensual altered sexual depiction based on facts or circumstances from which the unlawful publishing of an altered sexual depiction is apparent, regardless of whether the altered sexual depiction is ultimately determined to be unlawful.

(f) In addition to the remedies under subsection (5), a failure to reasonably comply with the notice and removal obligations under this subsection shall be treated as a an unfair or a deceptive act or practice under part II of chapter 501, and the person or entity responsible shall be subject to the penalties and remedies provided in part II of chapter 501.

(g) This subsection does not apply to the following:

1. An information service or a telecommunications service, as those terms are defined in 47 U.S.C. s. 153, providing services for content provided by another person.

2. Electronic mail.

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

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

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

(10) If any provision of this section or its application to any person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of the other provisions or applications of this section.

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

Approved by the Governor June 10, 2025.

Filed in Office Secretary of State June 10, 2025.