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Florida Attorney General's Office News Release

Urging Congress to Stop Promotion of Illegal Activity Online

TALLAHASSEE, Fla.—Attorney General Ashley Moody is urging Congress to amend the Communications Decency Act to ensure that state and local authorities are able to protect citizens online from the promotion of illegal activity, including black-market drug sales. The request to amend the Act will also allow states to take action against individuals promoting illegal activity and using the Act to claim freedom of expression to evade prosecution.

The Act is designed to promote free expression online, especially on message boards and social media; however, part of the Act is still being misinterpreted to allow individuals or companies to profit from illegal activity. Attorney General Moody is one of 47 attorneys general nationwide asking Congress to amend the Act.

Attorney General Ashley Moody said, “This part of the Communications Decency Act may have been necessary when the internet was in its infancy, but now it is being exploited to promote illegal activity, including the sale of deadly opioids that is feeding our national opioid epidemic. Attorneys general already previously demanded amendments to this Act to stop the enabling of sex trafficking, and we must revise the Act again to stop CDA immunity from being used by perpetrators who violate state or territorial criminal law.”

The Communication Decency Act of 1996 is designed to encourage the growth of the internet by promoting free expression and by allowing companies that sponsor online services or platforms to remain immune from state, civil or criminal liability for inappropriate posts or use of their platform for illegal activity. However, due to a misinterpretation of Section 230 of the Act, some federal court opinions interpreted it so broadly that individuals and services, that knowingly aid and profit from illegal activity, evaded prosecution.

Attorneys general addressed this issue with Congress before. In 2013 and 2017, nearly every state and territory attorney general wrote to inform Congress of the damaging misinterpretation and misapplication of Section 230 of the CDA. The knowing promotion of sex trafficking and crimes against children by businesses prompted Congress in 2018 to pass the Stop Enabling Sex Traffickers Act and Allow States and Victims to Fight Online Sex Trafficking Act, known as FOSTA-SESTA. This law makes it clear that the CDA’s immunity does not apply to enforcement of federal or state sex trafficking laws. Unfortunately, the abuse of this Act is now promoting additional illegal activity such as online black-market opioid sales, identity theft and more.

To view the letter to Congress, click here.

In addition to Florida, the attorneys general from the following joined in this letter: Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Guam,

Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin.