

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

**Amendment**

Remove lines 110-219 and insert:

(a) Prohibit a minor who is younger than 13 years of age from creating a new account on the social media platform.

(b)1. Use reasonable age verification methods to verify the age of each account holder on the social media platform at the time a new account is created. If an account holder fails to verify his or her age, the social media platform must deny the account. The reasonable age verification method must be conducted by a nongovernmental, independent, third-party not affiliated with the social media platform.

010849

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Amendment No.

14        2. Personal identifying information used to verify age may  
15 not be retained once the age of an account holder or a person  
16 seeking an account has been verified. Any personal identifying  
17 information collected to verify age may not be used for any  
18 other purpose.

19        (c) For existing accounts:

20        1. Terminate any account that is reasonably known by the  
21 social media platform to be held by a minor younger than 13  
22 years of age and provide a minimum of 90 days for an account  
23 holder to dispute such termination by verifying his or her age.

24        2. Allow an account holder younger than 13 years of age to  
25 request to terminate the account. Termination must be effective  
26 within 5 business days after such request.

27        3. Allow the confirmed parent or guardian of an account  
28 holder younger than 13 years of age to request the minor's  
29 account be terminated. Termination must be effective within 10  
30 business days after such request.

31        4. Permanently delete all personal information held by the  
32 social media platform relating to the terminated account, unless  
33 there are legal requirements to maintain such information.

34        (d) If the social media platform allows minors younger  
35 than 18 years of age to create an account on the platform, the  
36 platform must include a clearly labeled, conspicuous, and  
37 readily accessible link on its Internet homepage or platform  
38 login page that:

010849

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Amendment No.

39 1. Discloses the following social media platform policies  
40 in a manner that is clearly, concisely, prominently, and  
41 understandably written using language suited to the age of users  
42 who are younger than 18 years of age likely to routinely access  
43 the platform without unrelated, confusing, or contradictory  
44 materials:

45 a. The content moderation policies the social media  
46 platform uses for content on the platform.

47 b. Whether the social media platform uses or allows the  
48 use of addictive design or deceptive pattern features, including  
49 autoplay or infinite scroll.

50 c. Whether the social media platform allows manipulated  
51 photographs or digital images to be shared on the platform.

52 d. Whether the social media platform considers the best  
53 interests of platform users who are younger than 18 years of age  
54 when designing, developing, and providing services.

55 e. The methodology the social media platform uses to  
56 consider the best interests of platform users who are younger  
57 than 18 years of age when designing, developing, and providing  
58 services.

59 f. The policies and protections the social media platform  
60 uses to protect platform users who are younger than 18 years of  
61 age against harmful behaviors, such as bullying, harassment, and  
62 threats of violence or self-harm.

010849

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Amendment No.

63 g. Whether the social media platform collects or sells  
64 personal information of platform users who are younger than 18  
65 years of age, including personal identifiers, biometrics, and  
66 geolocation data. If such personal information is collected, the  
67 platform must disclose the type of personal information  
68 collected and the purpose of such collection. If such personal  
69 information is sold, the platform must disclose to whom the  
70 information is sold.

71 2. Provides clear access to the following:

72 a. Zip code-based references to local resources for law  
73 enforcement, suicide prevention, and domestic violence  
74 prevention services.

75 b. Reporting mechanisms related to harmful behaviors, such  
76 as bullying, harassment, and threats of violence or self-harm.

77 3. At the time of log in, and before obtaining access to  
78 the platform, requires platform users who are younger than 18  
79 years of age to read and accept a disclaimer which must be in  
80 substantially the following form:

81  
82 This application may be harmful to your mental health  
83 and may use design features that have addictive  
84 qualities or present unverified information or that  
85 may be manipulated by [insert platform name] or others  
86 for your viewing. This application may also collect

010849

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Amendment No.

87 your personal data to further manipulate your viewable  
88 content and may share your personal data with others.

89  
90 (3) Any violation of subsection (2) is an unfair and  
91 deceptive trade practice actionable under part II of this  
92 chapter solely by the department against a social media  
93 platform. If the department has reason to believe that a social  
94 media platform is in violation of subsection (2), the  
95 department, as the enforcing authority, may bring an action  
96 against such platform for an unfair or deceptive act or  
97 practice. For the purpose of bringing an action pursuant to this  
98 section, ss. 501.211 and 501.212 do not apply. In addition to  
99 other remedies under part II of this chapter, the department may  
100 collect a civil penalty of up to \$50,000 per violation.

101 (4) (a) A social media platform that violates subparagraph  
102 (2) (c) 2. or subparagraph (2) (c) 3. for failing to terminate an  
103 account within the required time after being notified to do so  
104 by the minor account holder or a confirmed parent or guardian is  
105 liable to such Florida minor for such access, including court  
106 costs and reasonable attorney fees as ordered by the court.  
107 Claimants may be awarded up to \$10,000 in damages.

108 (b) A civil action for a claim under this subsection must  
109 be brought within 1 year after the violation.

110 (5) Any action brought under subsection (3) or subsection  
111 (4) may only be brought on behalf of a Florida minor.

010849

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Amendment No.

112        (6) For purposes of bringing an action in accordance with  
113        subsections (3) and (4), a social media platform that allows a  
114        Florida minor younger than 13 years of age to create an account

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