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LEGISLATIVE ACTION

Senate

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House

The Committee on Fiscal Policy (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 501.1736, Florida Statutes, is created
to read:

501.1736 Social media use for minors.-

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

(a) "Account holder" means a resident who opens an account
or creates a profile or is permitted to use or is identified by



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11 any other form of identification while using or accessing a
12 social media platform when the social media platform knows or
13 has reason to believe the resident is located in this state.

14 (b) "Addictive features" means features that are designed
15 to cause an account holder to have an excessive or compulsive
16 need to use or engage with the social media platform.

17 (c) "Daily active users" means the unique users in the
18 United States who used the social media platform at least 80
19 percent of the days during the previous calendar year, or if the
20 social media platform did not exist during the previous calendar
21 year, the number of unique users in the United States who used
22 the social media platform at least 80 percent of the days during
23 the previous month.

24 (d) "Department" means the Department of Legal Affairs.

25 (e) "Reasonable age verification method" means a
26 commercially reasonable method used by a government agency or a
27 business for the purpose of age verification which is conducted
28 by a nongovernmental, independent, third party organized under
29 the laws of a state of the United States which:

30 1. Has its principal place of business in a state of the
31 United States; and

32 2. Is not owned or controlled by a company formed in a
33 foreign country, a government of a foreign country, or any other
34 entity formed in a foreign country.

35 (f) "Resident" means a person who lives in this state for
36 more than 6 months of the year.

37 (g) "Social media platform" means an online forum, a
38 website, or an application offered by an entity which does all
39 of the following:



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40 1. Uses algorithms that analyze user data or information on
41 users whom the online forum, website, or application knows or
42 has reason to believe are younger than 16 years of age to:

43 a. Select content for users; or

44 b. Target advertising toward users.

45 2. Has one or more of the following addictive features:

46 a. Infinite scrolling with continuous loading content, or
47 content that loads as the user scrolls down the page without the
48 need to open a separate page; or seamless content, or the use of
49 pages with no visible or apparent breaks.

50 b. Push notifications or alerts sent by the online forum,
51 website, or application to inform a user about specific
52 activities or events related to the user's account.

53 c. Display personal interactive metrics that indicate the
54 number of times other users have clicked a button to indicate
55 reaction to content or have shared or reposted the content.

56 d. Auto-play video or video that begins to play without the
57 user first clicking on the video or on a play button for that
58 video.

59 e. Live-streaming or a function that allows a user or
60 advertiser to broadcast live video content in real-time.

61 3. Has 10 percent or more of daily active users younger
62 than 16 years of age spending, on average, 2 hours per day on
63 the online forum, website, or application.

64 4. Allows a user to upload content or view the content or
65 activity of other users.

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67 The term does not include an online service, a website, or an
68 application where the exclusive function is e-mail or direct



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69 messaging consisting of text, photographs, pictures, images, or
70 videos shared only between the sender and the recipients,
71 without displaying or posting publicly or to other users not
72 specifically identified as the recipients by the sender.

73 (2) (a) A social media platform shall do all of the
74 following:

75 1. Prohibit a minor who is younger than 16 years of age
76 from entering into a contract with a social media platform to
77 become an account holder.

78 2. Use reasonable age verification methods to verify the
79 age of each account holder on the social media platform at the
80 time a new account is created. If an account holder fails to
81 verify his or her age, the social media platform must deny the
82 account.

83 3. Use a reasonable age verification method to perform age
84 verification that ensures that the requirements of subsection
85 (3) are met.

86 (b) For existing accounts, a social media platform shall do
87 the following:

88 1. Terminate any account that the social media platform
89 knows or has reason to believe is held by an account holder
90 younger than 16 years of age, including accounts that the social
91 media platform treats or categorizes as belonging to an account
92 holder who is likely younger than 16 years of age for purposes
93 of targeting content or advertising, and provide a minimum of 90
94 days for an account holder to dispute such termination by
95 verifying his or her age.

96 2. Allow an account holder younger than 16 years of age to
97 request to terminate the account. Termination must be effective



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98 within 5 business days after such request.

99 3. Allow the confirmed parent or guardian of an account
100 holder younger than 16 years of age to request the minor's
101 account be terminated. Termination must be effective within 10
102 business days after such request.

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

106 (3) A third party conducting age verification:

107 (a) May not retain personal identifying information used to
108 verify age once the age of an account holder or a person seeking
109 an account has been verified.

110 (b) May not use personal identifying information used to
111 verify age for any other purpose.

112 (c) Must keep anonymous any personal identifying
113 information used to verify age. Such information may not be
114 shared or otherwise communicated to any person.

115 (d) Must protect personal identifying information used to
116 verify age from unauthorized or illegal access, destruction,
117 use, modification, or disclosure through reasonable security
118 procedures and practices appropriate to the nature of the
119 personal information.

120 (4) (a) Any violation of subsection (2) is deemed an unfair
121 and deceptive trade practice actionable under part II of this
122 chapter solely by the department against a social media
123 platform. If the department has reason to believe that a social
124 media platform is in violation of subsection (2), the
125 department, as the enforcing authority, may bring an action
126 against such platform for an unfair or deceptive act or



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127 practice. For the purpose of bringing an action pursuant to this
128 section, ss. 501.211 and 501.212 do not apply. In addition to
129 other remedies under part II of this chapter, the department may
130 collect a civil penalty of up to \$50,000 per violation.

131 (b) A third party that performs age verification for a
132 social media platform in violation of subsection (3) is deemed
133 to have committed an unfair and deceptive trade practice
134 actionable under part II of this chapter solely by the
135 department against such third party. If the department has
136 reason to believe that the third party is in violation of
137 subsection (3), the department, as the enforcing authority, may
138 bring an action against such third party for an unfair or
139 deceptive act or practice. For the purpose of bringing an action
140 pursuant to this section, ss. 501.211 and 501.212 do not apply.
141 In addition to other remedies under part II of this chapter, the
142 department may collect a civil penalty of up to \$50,000 per
143 violation.

144 (5) (a) A social media platform that violates subparagraph
145 (2) (b) 2. or subparagraph (2) (b) 3. for failing to terminate an
146 account within the required time after being notified to do so
147 by the minor account holder or a confirmed parent or guardian is
148 liable to such minor account holder for such access, including
149 court costs and reasonable attorney fees as ordered by the
150 court. Claimants may be awarded up to \$10,000 in damages.

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

153 (6) Any action brought under subsection (4) or subsection
154 (5) may only be brought on behalf of a minor account holder.

155 (7) For purposes of bringing an action in accordance with



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156 subsection (4) or subsection (5), a social media platform that
157 allows a minor account holder younger than 16 years of age to
158 create an account on such platform is considered to be both
159 engaged in substantial and not isolated activities within this
160 state and operating, conducting, engaging in, or carrying on a
161 business and doing business in this state, and is therefore
162 subject to the jurisdiction of the courts of this state.

163 (8) If a social media platform allows an account holder to
164 use the social media platform, the parties have entered into a
165 contract.

166 (9) This section does not preclude any other available
167 remedy at law or equity.

168 (10) The department may adopt rules to implement this
169 section.

170 Section 2. If any provision of this act or its application
171 to any person or circumstances is held invalid, the invalidity
172 does not affect other provisions or applications of this act
173 which can be given effect without the invalid provision or
174 application, and to this end the provisions of this act are
175 severable.

176 Section 3. This act shall take effect July 1, 2024.

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178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete everything before the enacting clause
181 and insert:

182 A bill to be entitled
183 An act relating to online protections for minors;
184 creating s. 501.1736, F.S.; defining terms; requiring



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185 social media platforms to prohibit certain minors from
186 creating new accounts, to use reasonable age
187 verification methods to verify the ages of account
188 holders, and to terminate certain accounts and provide
189 additional options for termination of such accounts;
190 providing requirements for a third party conducting
191 age verification; authorizing the Department of Legal
192 Affairs to bring actions for violations under the
193 Florida Deceptive and Unfair Trade Practices Act;
194 providing penalties; providing for private causes of
195 action; providing that certain social media platforms
196 are subject to the jurisdiction of state courts;
197 providing that if a social media platform allows an
198 account holder to use such platform, the parties have
199 entered into a contract; providing construction;
200 authorizing the department to adopt rules; providing
201 for severability; providing an effective date.