

Committee on Governmental Oversight And Accountability

SB 7072 — Social Media Platforms

by Governmental Oversight and Accountability Committee and Senator Rodriguez

The bill establishes a violation for social media deplatforming of a political candidate or journalistic enterprise and requires a social media platform to meet certain requirements when it restricts speech by users. The bill prohibits a social media platform from willfully deplatforming a candidate for political office and allows the Florida Elections Commission to fine a social media platform \$250,000 per day for deplatforming a candidate for statewide office and \$25,000 per day for deplatforming any other candidate, in addition to the remedies provided in ch. 106, F.S. If a social media platform willfully provides free advertisements for a candidate, such advertisement is deemed an in-kind contribution, and the candidate must be notified.

The bill establishes restrictions for receiving economic benefits or contracting with public entities for certain social media platforms who have violated antitrust laws and who have been placed on the Antitrust Violator Vendor List. The Department of Management Services is required to maintain the Antitrust Violator Vendor List of the names and addresses of the people or affiliates who have been disqualified from the public contracting and purchasing process. The Attorney General is authorized to place an entity on the Antitrust Violator List on a temporary basis under specified circumstances. The bill provides for exceptions from the applicability of the antitrust violator provisions.

A social media platform that fails to comply with the requirements under the bill may be found in violation of the Florida Deceptive and Unfair Trade Practices Act by the Department of Legal Affairs. Additionally, a user of a social media platform may bring a private cause of action against a social media platform for failing to apply consistently certain standards and for censoring or deplatforming without proper notice.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 23-17; House 77-38