A bill to be entitled
An act relating to social media websites; providing a short title; defining terms; providing that the owner or operator of a social media website is subject to a private right of action by a social media website user in this state under certain conditions; providing damages; authorizing the award of reasonable attorney fees and costs; prohibiting a social media website from using hate speech as a defense; authorizing the Attorney General to bring an action on behalf of a social media website user; providing exceptions for the deletion or censure of certain types of speech; providing an effective date.

WHEREAS, this state has a compelling interest in holding certain social media websites to higher standards for having substantially created a digital public square, and WHEREAS, this state has an interest in helping its residents enjoy their free exercise of rights in certain semi-public forums commonly used for religious and political speech,

NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the “Stop Social Media Censorship Act.”

Section 2. Social media website speech; cause of action; penalties.—
(1) As used in this section, the term:
(a) “Algorithm” means a set of instructions designed to perform a specific task.

(b) “Hate speech” means a phrase concerning content that an individual finds offensive based on his or her personal moral code.

(c) “Obscene” means that an average person, applying contemporary community standards, would find that, taken as a whole, the dominant theme of the material appeals to prurient interests.

(d) “Political speech” means speech relating to the state, government, body politic, or public administration as it relates to governmental policymaking. The term includes speech by the government or a candidate for office and any discussion of social issues. The term does not include speech concerning the administration, law, or civil aspects of government.

(e) “Religious speech” means a set of unproven answers, truth claims, faith-based assumptions, and naked assertions that attempt to explain such greater questions as how the world was created, what constitutes right and wrong actions by humans, and what happens after death.

(f) “Social media website” means an Internet website or application that enables users to communicate with each other by posting information, comments, messages, or images and that meets all of the following requirements:

1. Is open to the public;
2. Has more than 75 million subscribers; and
3. From its inception, has not been specifically affiliated with any one religion or political party.

(2)(a) The owner or operator of a social media website who
contracts with a social media website user in this state is subject to a private right of action by such user if the social media website purposely:

1. Deletes or censors the user’s religious speech or political speech; or
2. Uses an algorithm to disfavor or censure the user’s religious speech or political speech.

(b) A social media website user may be awarded all of the following damages under this section:

1. A minimum of $75,000 in statutory damages per purposeful deletion or censoring of the social media website user’s speech.
2. Actual damages.
3. If aggravating factors are present, punitive damages.
4. Other forms of equitable relief.

(c) The prevailing party in a cause of action under this section may be awarded costs and reasonable attorney fees.

(d) A social media website that restores from deletion or removes the censoring of a social media website user’s speech in a reasonable amount of time may use that fact to mitigate any damages.

(3) A social media website may not use the social media website user’s alleged hate speech as a basis for justification or defense of the social media website’s actions at trial.

(4) The Attorney General may also bring a civil cause of action under this section on behalf of a social media user who resides in this state and whose religious speech or political speech has been censored by a social media website.

(5) This section does not apply to any of the following:

(a) A social media website that deletes or censors a social
media website user’s speech or that uses an algorithm to
disfavor or censure speech that:
  1. Calls for immediate acts of violence;
  2. Is obscene or pornographic in nature;
  3. Is the result of operational error;
  4. Is the result of a court order;
  5. Comes from an inauthentic source or involves false
personation;
  6. Entices criminal conduct; or
  7. Involves minors bullying minors.
(b) A social media website user’s censoring of another
social media website user’s speech.
   (6) Only users who are 18 years of age or older have
standing to seek enforcement of this act.
Section 3. This act shall take effect July 1, 2020.