Bill No. SB 7072 (2021)

Amendment No.

	CHAMBER ACTION
	<u>Senate</u> <u>House</u>
1	Representative Ingoglia offered the following:
2	
3	Amendment (with title amendment)
4	Remove everything after the enacting clause and insert:
5	Section 1. The Legislature finds that:
6	(1) Social media platforms represent an extraordinary
7	advance in communication technology for Floridians.
8	(2) Users should be afforded control over their personal
9	information related to social media platforms.
10	(3) Floridians increasingly rely on social media platforms
11	to express their opinions.
12	(4) Social media platforms have transformed into the new
13	public town square.
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14	(5) Social media platforms have become as important for
15	conveying public opinion as public utilities are for supporting
16	modern society.
17	(6) Social media platforms hold a unique place in
18	preserving first amendment protections for all Floridians and
19	should be treated similarly to common carriers.
20	(7) Social media platforms that unfairly censor, shadow
21	ban, deplatform, or apply post-prioritization algorithms to
22	<u>Florida candidates, Florida users, or Florida residents are not</u>
23	acting in good faith.
24	(8) Social media platforms should not take any action in
25	bad faith to restrict access or availability to Floridians.
26	(9) Social media platforms have unfairly censored, shadow
27	banned, deplatformed, and applied post-prioritization algorithms
28	to Floridians.
29	(10) The state has a substantial interest in protecting
30	its residents from inconsistent and unfair actions by social
31	media platforms.
32	(11) The state must vigorously enforce state law to
33	protect Floridians.
34	Section 2. Section 106.072, Florida Statutes, is created
35	to read:
36	106.072 Social media deplatforming of political
37	candidates
38	(1) As used in this section, the term:
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39	(a) "Candidate" has the same meaning as in s.
40	106.011(3)(e).
41	(b) "Deplatform" has the same meaning as in s. 501.2041.
42	(c) "Social media platform" has the same meaning as in s.
43	501.2041.
44	(d) "User" has the same meaning as in s. 501.2041.
45	(2) A social media platform may not willfully deplatform a
46	candidate for office who is known by the social media platform
47	to be a candidate, beginning on the date of qualification and
48	ending on the date of the election or the date the candidate
49	ceases to be a candidate. A social media platform must provide
50	each user a method by which the user may be identified as a
51	qualified candidate and which provides sufficient information to
52	allow the social media platform to confirm the user's
53	qualification by reviewing the website of the Division of
54	Elections or the website of the local supervisor of elections.
55	(3) Upon a finding of a violation of subsection (2) by the
56	Florida Elections Commission, in addition to the remedies
57	provided in ss. 106.265 and 106.27, the social media platform
58	may be fined \$250,000 per day for a candidate for statewide
59	office and \$25,000 per day for a candidate for other offices.
60	(4) A social media platform that willfully provides free
61	advertising for a candidate must inform the candidate of such
62	in-kind contribution. Posts, content, material, and comments by
63	candidates which are shown on the platform in the same or
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64	similar way as other users' posts, content, material, and
65	comments are not considered free advertising.
66	(5) This section may only be enforced to the extent not
67	inconsistent with federal law and 47 U.S.C. s. 230(e)(3), and
68	notwithstanding any other provision of state law.
69	Section 3. Section 287.137, Florida Statutes, is created
70	to read:
71	287.137 Antitrust violations; denial or revocation of the
72	right to transact business with public entities; denial of
73	economic benefits
74	(1) As used in this section, the term:
75	(a) "Affiliate" means:
76	1. A predecessor or successor of a person convicted of or
77	held civilly liable for an antitrust violation; or
78	2. An entity under the control of any natural person who
79	is active in the management of the entity that has been
80	convicted of or held civilly liable for an antitrust violation.
81	The term includes those officers, directors, executives,
82	partners, shareholders, employees, members, and agents who are
83	active in the management of an affiliate. The ownership by one
84	person of shares constituting a controlling interest in another
85	person, or a pooling of equipment or income among persons when
86	not for fair market value under an arm's length agreement, is a
87	prima facie case that one person controls another person. The
88	term also includes a person who knowingly enters into a joint
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89	venture with a person who has violated an antitrust law during
90	the preceding 36 months.
91	(b) "Antitrust violation" means any failure to comply with
92	a state or federal antitrust law as determined in a civil or
93	criminal proceeding brought by the Attorney General, a state
94	attorney, a similar body or agency of another state, the Federal
95	Trade Commission, or the United States Department of Justice.
96	(c) "Antitrust violator vendor list" means the list
97	required to be kept by the department pursuant to paragraph
98	<u>(3)(b).</u>
99	(d) "Conviction or being held civilly liable" or
100	"convicted or held civilly liable" means a criminal finding of
101	responsibility or guilt or conviction, with or without an
102	adjudication of guilt, being held civilly responsible or liable,
103	or having a judgment levied for an antitrust violation in any
104	federal or state trial court of record relating to charges
105	brought by indictment, information, or complaint on or after
106	July 1, 2021, as a result of a jury verdict, nonjury trial, or
107	entry of a plea of guilty or nolo contendere or other finding of
108	responsibility or liability.
109	(e) "Economic incentives" means state grants, cash grants,
110	tax exemptions, tax refunds, tax credits, state funds, and other
111	state incentives under chapter 288 or administered by Enterprise
112	<u>Florida, Inc.</u>

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113	(f) "Person" means a natural person or an entity organized
114	under the laws of any state or of the United States which
115	operates as a social media platform, as defined in s. 501.2041,
116	with the legal power to enter into a binding contract and which
117	bids or applies to bid on contracts let by a public entity, or
118	which otherwise transacts or applies to transact business with a
119	public entity. The term includes those officers, directors,
120	executives, partners, shareholders, employees, members, and
121	agents who are active in the management of an entity.
122	(g) "Public entity" means the state and any of its
123	departments or agencies.
124	(2)(a) A person or an affiliate who has been placed on the
125	antitrust violator vendor list following a conviction or being
126	held civilly liable for an antitrust violation may not submit a
127	bid, proposal, or reply for any new contract to provide any
128	goods or services to a public entity; may not submit a bid,
129	proposal, or reply for a new contract with a public entity for
130	the construction or repair of a public building or public work;
131	may not submit a bid, proposal, or reply on new leases of real
132	property to a public entity; may not be awarded or perform work
133	as a contractor, supplier, subcontractor, or consultant under a
134	new contract with a public entity; and may not transact new
135	business with a public entity.
136	(b) A public entity may not accept a bid, proposal, or
137	reply from, award a new contract to, or transact new business

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138	with any person or affiliate on the antitrust violator vendor
139	list unless that person or affiliate has been removed from the
140	list pursuant to paragraph (3)(e).
141	(c) This subsection does not apply to contracts that were
142	awarded or business transactions that began before a person or
143	an affiliate was placed on the antitrust violator vendor list or
144	before July 1, 2021, whichever date occurs later.
145	(3)(a) Beginning July 1, 2021, all invitations to bid,
146	requests for proposals, and invitations to negotiate, as those
147	terms are defined in s. 287.012, and any contract document
148	described in s. 287.058 must contain a statement informing
149	persons of the provisions of paragraph (2)(a).
150	(b) The department shall maintain an antitrust violator
151	vendor list of the names and addresses of the persons or
152	affiliates who have been disqualified from the public
153	contracting and purchasing process under this section. The
154	department shall electronically publish the initial antitrust
155	violator vendor list on January 1, 2022, and shall update and
156	electronically publish the list quarterly thereafter.
157	Notwithstanding this paragraph, a person or an affiliate
158	disqualified from the public contracting and purchasing process
159	pursuant to this section is disqualified as of the date the
160	department enters the final order.
161	(c)1. After receiving notice of a judgment, sentence, or
162	order from any source that a person was convicted or held
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163 civilly liable for an antitrust violation and after the 164 department has investigated the information and verified both 165 the judgment, sentence, or order and the identity of the person named in the documentation, the department must immediately 166 167 notify the person or affiliate in writing of its intent to place 168 the name of that person or affiliate on the antitrust violator vendor list and of the person's or affiliate's right to a 169 170 hearing, the procedure that must be followed, and the applicable 171 time requirements. If the person or affiliate does not request a 172 hearing, the department shall enter a final order placing the 173 name of the person or affiliate on the antitrust violator vendor 174 list. A person or affiliate may be placed on the antitrust 175 violator vendor list only after the department has provided the 176 person or affiliate with a notice of intent. 177 2. Within 21 days after receipt of the notice of intent, 178 the person or affiliate may file a petition for a formal hearing 179 under ss. 120.569 and 120.57(1) to determine whether good cause 180 has been shown by the department and whether it is in the public interest for the person or affiliate to be placed on the 181 182 antitrust violator vendor list. A person or an affiliate may not file a petition for an informal hearing under s. 120.57(2). The 183 184 procedures of chapter 120 shall apply to any formal hearing under this paragraph except, within 30 days after the formal 185 186 hearing or receipt of the hearing transcript, whichever is later, the administrative law judge shall enter a final order 187 942955

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100	that shall appaint of findings of fast conclusions of low
188	that shall consist of findings of fact, conclusions of law,
189	interpretation of agency rules, and any other information
190	required by law or rule to be contained in the final order. The
191	final order shall direct the department to place or not place
192	the person or affiliate on the antitrust violator vendor list.
193	The final order of the administrative law judge is final agency
194	action for purposes of s. 120.68.
195	3. In determining whether it is in the public interest to
196	place a person or an affiliate on the antitrust violator vendor
197	list under this paragraph, the administrative law judge shall
198	consider the following factors:
199	a. Whether the person or affiliate was convicted or held
200	civilly liable for an antitrust violation.
201	b. The nature and details of the antitrust violation.
202	c. The degree of culpability of the person or affiliate
203	proposed to be placed on the antitrust violator vendor list.
204	d. Reinstatement or clemency in any jurisdiction in
205	relation to the antitrust violation at issue in the proceeding.
206	e. The needs of public entities for additional competition
207	in the procurement of goods and services in their respective
208	markets.
209	f. The effect of the antitrust violations on Floridians.
210	4. After the person or affiliate requests a formal
211	hearing, the burden shifts to the department to prove that it is
212	in the public interest for the person or affiliate to whom it
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213	has given notice under this paragraph to be placed on the
214	antitrust violator vendor list. Proof that a person was
215	convicted or was held civilly liable or that an entity is an
216	affiliate of such person constitutes a prima facie case that it
217	is in the public interest for the person or affiliate to whom
218	the department has given notice to be put on the antitrust
219	violator vendor list. Status as an affiliate must be proven by
220	clear and convincing evidence. Unless the administrative law
221	judge determines that the person was convicted or that the
222	person was civilly liable or is an affiliate of such person,
223	that person or affiliate may not be placed on the antitrust
224	violator vendor list.
225	5. Any person or affiliate who has been notified by the
226	department of its intent to place his or her name on the
227	antitrust violator vendor list may offer evidence on any
228	relevant issue. An affidavit alone does not constitute competent
229	substantial evidence that the person has not been convicted or
230	is not an affiliate of a person convicted or held civilly
231	liable. Upon establishment of a prima facie case that it is in
232	the public interest for the person or affiliate to whom the
233	department has given notice to be put on the antitrust violator
234	vendor list, the person or affiliate may prove by a
235	preponderance of the evidence that it would not be in the public
236	interest to put him or her on the antitrust violator vendor

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237	list, based upon evidence addressing the factors in subparagraph
238	<u>3.</u>
239	(d)1. Upon receipt of an information or indictment from
240	any source that a person has been charged with or accused of
241	violating any state or federal antitrust law in a civil or
242	criminal proceeding, including a civil investigative demand,
243	brought by the Attorney General, a state attorney, the Federal
244	Trade Commission, or the United States Department of Justice on
245	or after July 1, 2021, the Attorney General must determine
246	whether there is probable cause that a person has likely
247	violated the underlying antitrust laws, which justifies
248	temporary placement of such person on the antitrust violator
249	vendor list until such proceeding has concluded.
250	2. If the Attorney General determines probable cause
250 251	2. If the Attorney General determines probable cause exists, the Attorney General shall notify the person in writing
	_
251	exists, the Attorney General shall notify the person in writing
251 252	exists, the Attorney General shall notify the person in writing of its intent to temporarily place the name of that person on
251 252 253	exists, the Attorney General shall notify the person in writing of its intent to temporarily place the name of that person on the antitrust violator vendor list, and of the person's right to
251 252 253 254	exists, the Attorney General shall notify the person in writing of its intent to temporarily place the name of that person on the antitrust violator vendor list, and of the person's right to a hearing, the procedure that must be followed, and the
251 252 253 254 255	exists, the Attorney General shall notify the person in writing of its intent to temporarily place the name of that person on the antitrust violator vendor list, and of the person's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the person does not request a
251 252 253 254 255 256	exists, the Attorney General shall notify the person in writing of its intent to temporarily place the name of that person on the antitrust violator vendor list, and of the person's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the person does not request a hearing, the Attorney General shall enter a final order
251 252 253 254 255 256 257	exists, the Attorney General shall notify the person in writing of its intent to temporarily place the name of that person on the antitrust violator vendor list, and of the person's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the person does not request a hearing, the Attorney General shall enter a final order temporarily placing the name of the person on the antitrust

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261	3. Within 21 days after receipt of the notice of intent,
262	the person may file a petition for a formal hearing pursuant to
263	ss. 120.569 and 120.57(1) to determine whether it is in the
264	public interest for the person to be temporarily placed on the
265	antitrust violator vendor list. A person may not file a petition
266	for an informal hearing under s. 120.57(2). The procedures of
267	chapter 120 shall apply to any formal hearing under this
268	paragraph.
269	4. In determining whether it is in the public interest to
270	place a person on the antitrust violator vendor list under this
271	paragraph, the administrative law judge shall consider the
272	following factors:
273	a. The likelihood the person will be convicted or held
274	civilly liable for the antitrust violation.
275	b. The nature and details of the antitrust violation.
276	c. The degree of culpability of the person proposed to be
277	placed on the antitrust violator vendor list.
278	d. The needs of public entities for additional competition
279	in the procurement of goods and services in their respective
280	markets.
281	e. The effect of the antitrust violations on Floridians.
282	5. The Attorney General has the burden to prove that it is
283	in the public interest for the person to whom it has given
284	notice under this paragraph to be temporarily placed on the
285	antitrust violator vendor list. Unless the administrative law
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286 judge determines that it is in the public interest to 287 temporarily place a person on the antitrust violator vendor 288 list, that person shall not be placed on the antitrust violator 289 vendor list. 290 6. This paragraph does not apply to affiliates. 291 (e)1. A person or an affiliate may be removed from the antitrust violator vendor list subject to such terms and 292 293 conditions as may be prescribed by the administrative law judge 294 upon a determination that removal is in the public interest. In 295 determining whether removal is in the public interest, the 296 administrative law judge must consider any relevant factors, 297 including, but not limited to, the factors identified in 298 subparagraph (c)3. Upon proof that a person was found not guilty 299 or not civilly liable, the antitrust violation case was 300 dismissed, the court entered a finding in the person's favor, 301 the person's conviction or determination of liability has been 302 reversed on appeal, or the person has been pardoned, the 303 administrative law judge shall determine that removal of the 304 person or an affiliate of that person from the antitrust 305 violator vendor list is in the public interest. A person or an 306 affiliate on the antitrust violator vendor list may petition for 307 removal from the list no sooner than 6 months after the date a final order is entered pursuant to this section but may petition 308 309 for removal at any time if the petition is based upon a reversal of the conviction or liability on appellate review or pardon. 310 942955

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311 The petition must be filed with the department, and the proceeding must be conducted pursuant to the procedures and 312 313 requirements of this subsection. 2. If the petition for removal is denied, the person or 314 affiliate may not petition for another hearing on removal for a 315 316 period of 9 months after the date of denial unless the petition 317 is based upon a reversal of the conviction on appellate review or a pardon. The department may petition for removal before the 318 expiration of such period if, in its discretion, it determines 319 320 that removal is in the public interest. 321 The conviction of a person or a person being held (4) 322 civilly liable for an antitrust violation, or placement on the 323 antitrust violator vendor list, does not affect any rights or 324 obligations under any contract, franchise, or other binding 325 agreement that predates such conviction, finding of civil 326 liability, or placement on the antitrust violator vendor list. 327 (5) A person who has been placed on the antitrust violator 328 vendor list is not a qualified applicant for economic incentives 329 under chapter 288, and such person shall not be qualified to 330 receive such economic incentives. This subsection does not apply 331 to economic incentives that are awarded before a person is 332 placed on the antitrust violator vendor list or before July 1, 333 2021. 334 This section does not apply to: (6)

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335	(a) Any activity regulated by the Public Service
336	Commission;
337	(b) The purchase of goods or services made by any public
338	entity from the Department of Corrections, from the nonprofit
339	corporation organized under chapter 946, or from any qualified
340	nonprofit agency for the blind or other severely handicapped
341	persons under ss. 413.032-413.037; or
342	(c) Any contract with a public entity to provide any goods
343	or services for emergency response efforts related to a state of
344	emergency declaration issued by the Governor.
345	(7) This section may only be enforced to the extent not
346	inconsistent with federal law and notwithstanding any other
347	provision of state law.
348	Section 4. Section 501.2041, Florida Statutes, is created
349	to read:
350	501.2041 Unlawful acts and practices by social media
351	platforms
352	(1) As used in this section, the term:
353	(a) "Algorithm" means a mathematical set of rules that
354	specifies how a group of data behaves and that will assist in
355	ranking search results and maintaining order or that is used in
356	sorting or ranking content or material based on relevancy or
357	other factors instead of using published time or chronological
358	order of such content or material.

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359	(b) "Censor" includes any action taken by a social media			
360	platform to delete, regulate, restrict, edit, alter, inhibit the			
361	publication or republication of, suspend a right to post,			
362	remove, or post an addendum to any content or material posted by			
363	a user. The term also includes actions to inhibit the ability of			
364	a user to be viewable by or to interact with another user of the			
365	social media platform.			
366	(c) "Deplatform" means the action or practice by a social			
367	media platform to permanently delete or ban a user or to			
368	temporarily delete or ban a user from the social media platform			
369	for more than 14 days.			
370	(d) "Journalistic enterprise" means an entity doing			
371	business in Florida that:			
372	1. Publishes in excess of 100,000 words available online			
373	with at least 50,000 paid subscribers or 100,000 monthly active			
374	users;			
375	2. Publishes 100 hours of audio or video available online			
376	with at least 100 million viewers annually;			
377	3. Operates a cable channel that provides more than 40			
378	hours of content per week to more than 100,000 cable television			
379	subscribers; or			
380	4. Operates under a broadcast license issued by the			
381	Federal Communications Commission.			
382	(e) "Post-prioritization" means action by a social media			
383	platform to place, feature, or prioritize certain content or			
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384	material ahead of, below, or in a more or less prominent			
385	position than others in a newsfeed, a feed, a view, or in search			
386	results. The term does not include post-prioritization of			
387	content and material of a third party, including other users,			
388	based on payments by that third party, to the social media			
389	platform.			
390	(f) "Shadow ban" means action by a social media platform,			
391	through any means, whether the action is determined by a natural			
392	person or an algorithm, to limit or eliminate the exposure of a			
393	user or content or material posted by a user to other users of			
394	the social media platform. This term includes acts of shadow			
395	banning by a social media platform which are not readily			
396	apparent to a user.			
397	(g) "Social media platform" means any information service,			
398	system, Internet search engine, or access software provider			
399	that:			
400	1. Provides or enables computer access by multiple users			
401	to a computer server, including an Internet platform or a social			
402	<u>media site;</u>			
403	2. Operates as a sole proprietorship, partnership, limited			
404	liability company, corporation, association, or other legal			
405	entity;			
406	3. Does business in the state; and			
407	4. Satisfies at least one of the following thresholds:			
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408 a. Has annual gross revenues in excess of \$100 million, as		
409 adjusted in January of each odd-numbered year to reflect any		
increase in the Consumer Price Index.		
 410 <u>increase in the Consumer Price Index.</u> 411 b. Has at least 100 million monthly individual platform 		
participants globally.		
 412 participants globally. 413 (h) "User" means a person who resides or is domiciled in 		
this state and who has an account on a social media platform,		
 415 regardless of whether the person posts or has posted content or 416 material to the social media platform. 		
417 (2) A social media platform that fails to comply with any		
418 of the provisions of this subsection commits an unfair or		
419 deceptive act or practice as specified in s. 501.204.		
420 (a) A social media platform must publish the standards,		
421 including detailed definitions, it uses or has used for		
422 determining how to censor, deplatform, and shadow ban.		
423 (b) A social media platform must apply censorship,		
424 deplatforming, and shadow banning standards in a consistent		
425 manner among its users on the platform.		
426 (c) A social media platform must inform each user about		
427 any changes to its user rules, terms, and agreements before		
428 implementing the changes and may not make changes more than once		
429 <u>every 30 days.</u>		
430 (d) A social media platform may not censor or shadow ban a		
431 user's content or material or deplatform a user from the social		
432 media platform:		
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433	1. Without notifying the user who posted or attempted to		
434	post the content or material; or		
435	2. In a way that violates this part.		
436	(e) A social media platform must:		
437	1. Provide a mechanism that allows a user to request the		
438	number of other individual platform participants who were		
439	provided or shown the user's content or posts.		
440	2. Provide, upon request, a user with the number of other		
441	individual platform participants who were provided or shown		
442	content or posts.		
443	(f) A social media platform must:		
444	1. Categorize algorithms used for post-prioritization and		
445	shadow banning.		
446	2. Allow a user to opt out of post-prioritization and		
447	shadow banning algorithm categories to allow sequential or		
448	chronological posts and content.		
449	(g) A social media platform must provide users with an		
450	annual notice on the use of algorithms for post-prioritization		
451	and shadow banning and reoffer annually the opt-out opportunity		
452	in subparagraph (f)2.		
453	(h) A social media platform may not apply or use post-		
454	prioritization or shadow banning algorithms for content and		
455	material posted by or about a user who is known by the social		
456	media platform to be a candidate as defined in s. 106.011(3)(e),		
457	beginning on the date of qualification and ending on the date of		
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458	the election or the date the candidate ceases to be a candidate.		
459	Post-prioritization of certain content or material from or about		
460	a candidate for office based on payments to the social media		
461	platform by such candidate for office or a third party is not a		
462	violation of this paragraph. A social media platform must		
463	provide each user a method by which the user may be identified		
464	as a qualified candidate and which provides sufficient		
465	information to allow the social media platform to confirm the		
466	user's qualification by reviewing the website of the Division of		
467	Elections or the website of the local supervisor of elections.		
468	(i) A social media platform must allow a user who has been		
469	deplatformed to access or retrieve all of the user's		
470	information, content, material, and data for at least 60 days		
471	after the user receives the notice required under subparagraph		
472	<u>(d)</u> 1.		
473	(j) A social media platform may not take any action to		
474	censor, deplatform, or shadow ban a journalistic enterprise		
475	based on the content of its publication or broadcast. Post-		
476	prioritization of certain journalistic enterprise content based		
477	on payments to the social media platform by such journalistic		
478	enterprise is not a violation of this paragraph. This paragraph		
479	does not apply if the content or material is obscene as defined		
480	<u>in s. 847.001.</u>		
481	(3) For purposes of subparagraph (2)(d)1., a notification		
482	must:		
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483	(a) Be in writing.		
484	(b) Be delivered via electronic mail or direct electronic		
485	notification to the user within 7 days after the censoring		
486	action.		
487	(c) Include a thorough rationale explaining the reason		
488	that the social media platform censored the user.		
489	(d) Include a precise and thorough explanation of how the		
490	social media platform became aware of the censored content or		
491	material, including a thorough explanation of the algorithms		
492	used, if any, to identify or flag the user's content or material		
493	as objectionable.		
494	(4) Notwithstanding any other provisions of this section,		
495	a social media platform is not required to notify a user if the		
496	censored content or material is obscene as defined in s.		
497	847.001.		
498	(5) If the department, by its own inquiry or as a result		
499	of a complaint, suspects that a violation of this section is		
500	imminent, occurring, or has occurred, the department may		
501	investigate the suspected violation in accordance with this		
502	part. Based on its investigation, the department may bring a		
503	civil or administrative action under this part. For the purpose		
504	of bringing an action pursuant to this section, ss. 501.211 and		
505	501.212 do not apply.		
506	(6) A user may only bring a private cause of action for		
507	violations of paragraph (2)(b) or subparagraph (2)(d)1. In a		
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508	private cause of action brought under paragraph (2)(b) or			
509	subparagraph (2)(d)1., the court may award the following			
510				
511	(a) Up to \$100,000 in statutory damages per proven claim.			
512	(b) Actual damages.			
513	(c) If aggravating factors are present, punitive damages.			
514	(d) Other forms of equitable relief, including injunctive			
515	relief.			
516	(e) If the user was deplatformed in violation of paragraph			
517	(2)(b), costs and reasonable attorney fees.			
518	(7) For purposes of bringing an action in accordance with			
519	subsections (5) and (6), each failure to comply with the			
520	individual provisions of subsection (2) shall be treated as a			
521	separate violation, act, or practice. For purposes of bringing			
522	an action in accordance with subsections (5) and (6), a social			
523	media platform that censors, shadow bans, deplatforms, or			
524	applies post-prioritization algorithms to candidates and users			
525	in the state is conclusively presumed to be both engaged in			
526	substantial and not isolated activities within the state and			
527	operating, conducting, engaging in, or carrying on a business,			
528	and doing business in this state, and is therefore subject to			
529	the jurisdiction of the courts of the state.			
530	(8) In an investigation by the department into alleged			
531	violations of this section, the department's investigative			
532	powers include, but are not limited to, the ability to subpoena			
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533	any algorithm used by a social media platform related to any			
534	alleged violation.			
535	(9) This section may only be enforced to the extent not			
536	inconsistent with federal law and 47 U.S.C. s. 230(e)(3), and			
537	notwithstanding any other provision of state law.			
538	Section 5. Subsection (2) of section 501.212, Florida			
539	Statutes, is amended to read:			
540	501.212 ApplicationThis part does not apply to:			
541	(2) Except as provided in s. 501.2041, a publisher,			
542	broadcaster, printer, or other person engaged in the			
543	dissemination of information or the reproduction of printed or			
544	pictorial matter, insofar as the information or matter has been			
545	disseminated or reproduced on behalf of others without actual			
546	knowledge that it violated this part.			
547	Section 6. If any provision of this act or the application			
548	thereof to any person or circumstance is held invalid, the			
549	invalidity shall not affect other provisions or applications of			
550	the act which can be given effect without the invalid provision			
551	or application, and to this end the provisions of this act are			
552	declared severable.			
553	Section 7. This act shall take effect July 1, 2021.			
554				
555				
556	TITLE AMENDMENT			
557	Remove lines 2-4 and insert:			
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Bill No. SB 7072 (2021)

Amendment No.

558	An act relating to social media platforms;	providing
559	legislative findings; creating s. 106.072,	F.S.; defining
560	terms; prohibiting a social media platform	from willfully
561	deplatforming a	

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