

By Senator Grall

29-01310B-24

20241788__

1 A bill to be entitled
2 An act relating to age verification for social media
3 platform accounts; creating s. 501.1736, F.S.;
4 defining terms; requiring social media platforms to
5 prohibit certain minors from creating new accounts,
6 use reasonable age-verification methods to verify the
7 ages of account holders, to terminate certain accounts
8 and provide additional options for termination of such
9 accounts, and to disclose specified policies and
10 provide specified resources, measures, and
11 disclaimers; authorizing the Department of Legal
12 Affairs to bring actions for violations under the
13 Florida Deceptive and Unfair Trade Practices Act;
14 providing penalties; providing for private causes of
15 actions; providing that certain social media platforms
16 are subject to the jurisdiction of state courts;
17 providing construction; authorizing the department to
18 adopt rules; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 501.1736, Florida Statutes, is created
23 to read:

24 501.1736 Age verification for social media platform
25 accounts.—

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

27 (a) "Account holder" means a resident of this state who has
28 or opens an account or creates a profile or other form of
29 identification to use or access a social media platform.

29-01310B-24

20241788__

30 (b) "Department" means the Department of Legal Affairs.

31 (c) "Reasonable age-verification method" means any
32 commercially reasonable method regularly used by government
33 agencies or businesses for the purpose of age and identity
34 verification.

35 (d) "Social media platform":

36 1. Means an online forum offered by an entity which has the
37 ability to track the activity of an account holder or user, if
38 such online forum allows an account holder or user to do all of
39 the following:

40 a. Create or use a profile, account, or other form of
41 identification.

42 b. Upload content or view the content or activity of other
43 account holders.

44 c. Interact with or track other account holders or users.

45 2. Does not include an online service, website, or
46 application where the predominant or exclusive function is:

47 a. E-mail.

48 b. Direct messaging consisting of text, photos, or videos
49 that are sent between devices by electronic means where messages
50 are shared between the sender and the recipient only, visible to
51 the sender and the recipient, and are not posted publicly.

52 c. A streaming service that provides only licensed media in
53 a continuous flow from the service, website, or application to
54 the end user and does not obtain a license to the media from a
55 user or account holder by agreement to its terms of service.

56 d. News, sports, entertainment, or other content that is
57 preselected by the provider and not user generated, and any
58 chat, comment, or interactive functionality that is provided

29-01310B-24

20241788__

59 incidental to, directly related to, or dependent upon provision
60 of the content.

61 e. Online shopping or e-commerce, if the interaction with
62 other users or account holders is generally limited to the
63 ability to upload a post and comment on reviews or display lists
64 or collections of goods for sale or wish lists, or other
65 functions that are focused on online shopping or e-commerce
66 rather than interaction between users or account holders.

67 f. Interactive gaming, virtual gaming, or an online service
68 that allows the creation and uploading of content for the
69 purpose of interactive gaming, edutainment, or associated
70 entertainment, and the communication related to that content.

71 g. Photo editing that has an associated photo hosting
72 service, if the interaction with other users or account holders
73 is generally limited to liking or commenting.

74 h. A professional creative network for showcasing and
75 discovering artistic content, if the content is required to be
76 non-pornographic.

77 i. Single-purpose community groups for public safety if the
78 interaction with other users or account holders is generally
79 limited to that single purpose and the community group has
80 guidelines or policies against illegal content.

81 j. To provide career development opportunities, including
82 professional networking, job skills, learning certifications,
83 and job posting and application services.

84 k. Business-to-business software.

85 l. A teleconferencing or videoconferencing service that
86 allows reception and transmission of audio and video signals for
87 real time communication.

29-01310B-24

20241788__

- 88 m. Shared document collaboration.
- 89 n. Cloud computing services, which may include cloud
90 storage and shared document collaboration.
- 91 o. To provide access to or interacting with data
92 visualization platforms, libraries, or hubs.
- 93 p. To permit comments on a digital news website, if the
94 news content is posted only by the provider of the digital news
95 website.
- 96 q. To provide or obtain technical support for a platform,
97 product, or service.
- 98 r. Academic, scholarly, or genealogical research where the
99 majority of the content that is posted or created is posted or
100 created by the provider of the online service, website, or
101 application and the ability to chat, comment, or interact with
102 other users is directly related to the provider's content.
- 103 s. A classified ad service that only permits the sale of
104 goods and prohibits the solicitation of personal services or
105 that is used by and under the direction of an educational
106 entity, including:
- 107 (I) A learning management system;
108 (II) A student engagement program; and
109 (III) A subject or skill-specific program.
- 110 (2) A social media platform shall do all of the following:
- 111 (a) Prohibit a minor who is under 16 years of age from
112 creating a new account on the social media platform.
- 113 (b) Use reasonable age-verification methods to verify the
114 age of each account holder on the social media platform at the
115 time a new account is created.
- 116 1. If an account holder fails to verify his or her age, the

29-01310B-24

20241788__

117 social media platform must deny the account. The reasonable age-
118 verification method must be conducted by an independent, third
119 party not affiliated with the social media platform.

120 2. Personal identifying information used to verify age may
121 not be retained once the age of an account holder or a person
122 seeking an account has been verified. Any personal identifying
123 information collected to verify age may not be used for any
124 other purpose.

125 (c) For existing accounts:

126 1. Terminate any account that is reasonably known by the
127 social media platform to be held by a minor under 16 years of
128 age, and provide a minimum of 90 days for an account holder to
129 dispute such termination by verifying his or her age.

130 2. Allow an existing account holder under 16 years of age
131 to request to terminate the account. Termination must be
132 effective within 5 business days after such request.

133 3. Allow the confirmed parent or guardian of an existing
134 account holder under 16 years of age to request the minor's
135 account be terminated. Termination must be effective within 10
136 business days after such request.

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

140 (d) If the social media platform allows minors under 18
141 years of age to create an account on the platform, the platform
142 must, on its Internet homepage or platform user login page or
143 through a clearly labeled, conspicuous, and readily accessible
144 link on such homepage or login page:

145 1. Disclose the following social media platform policies in

29-01310B-24

20241788__

146 a manner that is clearly, concisely, prominently, and
147 understandably written using language suited to the age of users
148 who are under 18 years of age likely to routinely access the
149 platform without unrelated, confusing, or contradictory
150 materials:

151 a. The content moderation policies the social media
152 platform uses for content on the platform.

153 b. Whether the social media platform uses or allows the use
154 of addictive design or deceptive pattern features, including
155 autoplay or infinite scroll.

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

158 d. Whether the social media platform considers the best
159 interests of platform users who are under 18 years of age when
160 designing, developing, and providing services.

161 e. The methodology the social media platform uses to
162 consider the best interests of platform users who are under the
163 age of 18 when designing, developing, and providing services.

164 f. The policies and protections the social media platform
165 uses to protect platform users who are under 18 years of age
166 against harmful behaviors, such as bullying, harassment, and
167 threats of violence or self-harm.

168 g. Whether the social media platform collects or sells
169 personal information of platform users who are under 18 years of
170 age, including personal identifiers, biometrics, and geolocation
171 data. If such personal information is collected, the platform
172 must disclose the type of personal information collected and the
173 purpose of such collection. If such personal information is
174 sold, the platform must disclose to whom the information is

29-01310B-24

20241788__

175 sold.

176 2. Provide clear access to the following:

177 a. Zip code-based references to local resources for law
178 enforcement, suicide prevention, and domestic violence
179 prevention services.

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

182 3. At the time of log-in, and before obtaining access to
183 the platform, require platform users who are under 18 years of
184 age to read and accept a disclaimer which must be in
185 substantially the following form:

186
187 This application may be harmful to your mental health
188 and may use design features that have addictive
189 qualities or present unverified information or that
190 may be manipulated by ...insert platform name... or
191 others for your viewing. This application may also
192 collect your personal data to further manipulate your
193 viewable content and may share your personal data with
194 others.

195
196 (3) Any violation of subsection (2) is an unfair and
197 deceptive trade practice actionable under part II of this
198 chapter solely by the department against a social media
199 platform. If the department has reason to believe that a social
200 media platform is in violation of subsection (2), the
201 department, as the enforcing authority, may bring an action
202 against such platform for an unfair or deceptive act or
203 practice. For the purpose of bringing an action pursuant to this

29-01310B-24

20241788__

204 section, ss. 501.211 and 501.212 do not apply. In addition to
205 other remedies under part II of this chapter, the department may
206 collect a civil penalty of up to \$50,000 per violation.

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

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

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

218 (6) For purposes of bringing an action in accordance with
219 subsections (3) and (4), a social media platform that allows a
220 Florida minor under 16 years of age to create an account on such
221 platform is considered to be both engaged in substantial and not
222 isolated activities within this state and operating, conducting,
223 engaging in, or carrying on a business, and doing business in
224 this state and is therefore subject to the jurisdiction of the
225 courts of this state.

226 (7) This section does not preclude any other available
227 remedy at law or equity.

228 (8) The department may adopt rules to implement this
229 section.

230 Section 2. This act shall take effect July 1, 2024.