

By the Committee on Judiciary; and Senators Grall and Garcia

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

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

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

25 501.1736 Social media use for minors.-

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

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

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30 platform.

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

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

36 (d) "Social media platform:"

37 1. Means an online forum, website, or application offered
38 by an entity that does all of the following:

39 a. Allows the social media platform to track the activity
40 of the account holder.

41 b. Allows an account holder to upload content or view the
42 content or activity of other account holders.

43 c. Allows an account holder to interact with or track other
44 account holders.

45 d. Utilizes addictive, harmful, or deceptive design
46 features, or any other feature that is designed to cause an
47 account holder to have an excessive or compulsive need to use or
48 engage with the social media platform.

49 e. Allows the utilization of information derived from the
50 social media platform's tracking of the activity of an account
51 holder to control or target at least part of the content offered
52 to the account holder.

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

55 a. Electronic mail.

56 b. Direct messaging consisting of text, photos, or videos
57 that are sent between devices by electronic means where messages
58 are shared between the sender and the recipient only, visible to

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59 the sender and the recipient, and are not posted publicly.

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

64 d. News, sports, entertainment, or other content that is
65 preselected by the provider and not user generated, and any
66 chat, comment, or interactive functionality that is provided
67 incidental to, directly related to, or dependent upon provision
68 of the content.

69 e. Online shopping or e-commerce, if the interaction with
70 other users or account holders is generally limited to the
71 ability to upload a post and comment on reviews or display lists
72 or collections of goods for sale or wish lists, or other
73 functions that are focused on online shopping or e-commerce
74 rather than interaction between users or account holders.

75 f. Interactive gaming, virtual gaming, or an online
76 service, that allows the creation and uploading of content for
77 the purpose of interactive gaming, edutainment, or associated
78 entertainment, and the communication related to that content.

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

82 h. A professional creative network for showcasing and
83 discovering artistic content, if the content is required to be
84 non-pornographic.

85 i. Single-purpose community groups for public safety if the
86 interaction with other users or account holders is generally
87 limited to that single purpose and the community group has

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88 guidelines or policies against illegal content.

89 j. To provide career development opportunities, including
90 professional networking, job skills, learning certifications,
91 and job posting and application services.

92 k. Business to business software.

93 l. A teleconferencing or videoconferencing service that
94 allows reception and transmission of audio and video signals for
95 real time communication.

96 m. Shared document collaboration.

97 n. Cloud computing services, which may include cloud
98 storage and shared document collaboration.

99 o. To provide access to or interacting with data
100 visualization platforms, libraries, or hubs.

101 p. To permit comments on a digital news website, if the
102 news content is posted only by the provider of the digital news
103 website.

104 q. To provide or obtain technical support for a platform,
105 product, or service.

106 r. Academic, scholarly, or genealogical research where the
107 majority of the content that is posted or created is posted or
108 created by the provider of the online service, website, or
109 application and the ability to chat, comment, or interact with
110 other users is directly related to the provider's content.

111 s. A classified ad service that only permits the sale of
112 goods and prohibits the solicitation of personal services or
113 that is used by and under the direction of an educational
114 entity, including:

115 (I) A learning management system;

116 (II) A student engagement program; and

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117 (III) A subject or skill-specific program.

118 (2) A social media platform shall do all of the following:

119 (a) Prohibit a minor who is younger than 16 years of age
120 from entering into a contract with a social media platform to
121 become an account holder.

122 (b)1. Use reasonable age verification methods to verify the
123 age of each account holder on the social media platform at the
124 time a new account is created. If an account holder fails to
125 verify his or her age, the social media platform must deny the
126 account. The reasonable age verification method must be
127 conducted by a nongovernmental, independent third party that is
128 not affiliated with the social media platform and is organized
129 under the laws of a state of the United States and has its
130 principal place of business in a state of the United States.

131 2. Personal identifying information used to verify age may
132 not be retained once the age of an account holder or a person
133 seeking an account has been verified. Any personal identifying
134 information collected to verify age may not be used for any
135 other purpose.

136 (c) For existing accounts:

137 1. Terminate any account that is reasonably known by the
138 social media platform to be held by a minor younger than 16
139 years of age and provide a minimum of 90 days for an account
140 holder to dispute such termination by verifying his or her age.

141 2. Allow an account holder younger than 16 years of age to
142 request to terminate the account. Termination must be effective
143 within 5 business days after such request.

144 3. Allow the confirmed parent or guardian of an account
145 holder younger than 16 years of age to request the minor's

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146 account be terminated. Termination must be effective within 10
147 business days after such request.

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

151 (3) Any violation of subsection (2) is an unfair and
152 deceptive trade practice actionable under part II of this
153 chapter solely by the department against a social media
154 platform. If the department has reason to believe that a social
155 media platform is in violation of subsection (2), the
156 department, as the enforcing authority, may bring an action
157 against such platform for an unfair or deceptive act or
158 practice. For the purpose of bringing an action pursuant to this
159 section, ss. 501.211 and 501.212 do not apply. In addition to
160 other remedies under part II of this chapter, the department may
161 collect a civil penalty of up to \$50,000 per violation.

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

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

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

173 (6) For purposes of bringing an action in accordance with
174 subsections (3) and (4), a social media platform that allows a

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175 Florida minor younger than 16 years of age to create an account
176 on such platform is considered to be both engaged in substantial
177 and not isolated activities within this state and operating,
178 conducting, engaging in, or carrying on a business, and doing
179 business in this state and is therefore subject to the
180 jurisdiction of the courts of this state.

181 (7) If a social media platform allows the account holder to
182 use the social media platform, the parties have entered into a
183 contract.

184 (8) This section does not preclude any other available
185 remedy at law or equity.

186 (9) The department may adopt rules to implement this
187 section.

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