

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 743](#)

**TITLE:** Social Media Use by Minors

**SPONSOR(S):** Salzman, Sirois

**COMPANION BILL:** [CS/SB 868](#) (Ingoglia)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Industries & Professional  
Activities](#)

15 Y, 0 N, As CS



[Criminal Justice](#)

15 Y, 0 N



[Commerce](#)

24 Y, 0 N, As CS

## SUMMARY

### Effect of the Bill:

The bill requires social media platforms to permanently delete all personal information held by the platform relating to a terminated account within 45 days of termination, allow a parent or legal guardian of certain minor account holders to view the account names with whom the minor has exchanged messages, disclose to law enforcement technically feasible and reasonably available data related to certain investigations, and prohibit certain account holders from using or accessing messages that are designed to disappear.

The effective date of the bill is January 1, 2026.

### Fiscal or Economic Impact:

Indeterminate. The bill may have an indeterminate fiscal impact on state government and the private sector.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill enhances protections in Florida law governing [social media use for minors](#). Specifically, the bill requires [social media platforms](#) to:

- Permanently delete all personal information held by the platform relating to a terminated account within 45 days of termination.
- Allow a parent or legal guardian of an [account holder](#) to view a list of the account names with whom the minor has exchanged messages.
- Upon receipt of a valid legal process, including but not limited to a court order, subpoena or search warrant, that complies with 18 U.S.C. § 2703 and applicable state law, disclose to a law enforcement officer any technically feasible and reasonably available data that is responsive to a criminal investigation related to an account held by a minor.
- Prohibit an account holder from using or accessing messages that are designed to disappear after a certain period of time or upon viewing, self-destructing messages, or messages that are [ephemeral](#) in nature. (Section [1](#))

These provisions apply to account holders who are [minors under 14 years of age](#), and [minors 14 and 15 years of age](#). (Section [1](#))

The effective date of the bill is January 1, 2026. (Section [2](#))

### FISCAL OR ECONOMIC IMPACT:

**STORAGE NAME:** h0743d.COM

**DATE:** 4/23/2025

## STATE GOVERNMENT:

Indeterminate. The bill may result in an unknown increase in civil penalties collected by the Department of Legal Affairs (DLA), and regulatory costs incurred by DLA to enforce the bill.

## PRIVATE SECTOR:

Indeterminate. The bill may result in an unknown increase in costs for companies operating websites due to the resources necessary to block certain account holders from accessing disappearing messages and comply with requested access by parents of account holders and law enforcement.

# RELEVANT INFORMATION

## SUBJECT OVERVIEW:

### [Social Media Use for Minors](#)

In 2024, the Florida Legislature passed a law limiting minors' access to social media platforms.<sup>1</sup> The law, in part, prohibits minors thirteen years of age or younger from holding a social media account, and requires parental consent for fourteen and fifteen year olds to hold an account.<sup>2</sup>

### *Definitions*

The law provides the following definitions:<sup>3</sup>

- "[Account holder](#)" means a resident who opens an account or creates a profile or is identified by the social media platform by a unique identifier while using or accessing a social media platform when the social media platform knows or has reason to believe the resident is located in this state.
- "**Daily active users**" means the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous 12 months, or if the online forum, website, or application did not exist during the previous 12 months, the number of unique users in the United States who used the online forum, website, or application at least 80 percent of the days during the previous month.
- "**Resident**" means a person who lives in this state for more than 6 months of the year.
- "[Social media platform](#)" means an online forum, website, or application that satisfies each of the following criteria:
  - Allows users to upload content or view the content or activity of other users;
  - Ten percent or more of the daily active users who are younger than 16 years of age spend on average 2 hours per day or longer on the online forum, website, or application on the days when using the online forum, website, or application during the previous 12 months or, if the online forum, website, or application did not exist during the previous 12 months, during the previous month;
  - Employs algorithms that analyze user data or information on users to select content for users; and
  - Has any of the following **addictive features**:
    - Infinite scrolling, which means either:
      - Continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page; or
      - Seamless content, or the use of pages with no visible or apparent end or pagebreaks.
    - Push notifications or alerts sent by the online forum, website, or application to inform a user about specific activities or events related to the user's account.
    - Displays personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content or have shared or reposted the content.
    - Auto-play video or video that begins to play without the user first clicking on the video or on a play button for that video.
    - Live-streaming or a function that allows a user or advertiser to broadcast live video content in real-time.

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<sup>1</sup> Ch. 2024-42, Laws of Fla.

<sup>2</sup> See s. [501.1736, F.S.](#)

<sup>3</sup> S. [501.1736\(1\), F.S.](#)

- The term does not include an online service, website, or application where the exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender.

### Minors Under 14 years of Age

For minors under 14 years of age, the law requires a social media platform to:<sup>4</sup>

- Prohibit a minor who is younger than 14 years of age from entering into a contract with a social media platform to become an account holder.
- Terminate any account held by an account holder younger than 14 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely younger than 14 years of age for purposes of targeting content or advertising.
  - The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder younger than 14 years of age to request to terminate the account. Termination must be effective within **5 business days** after such request.
- Allow the confirmed parent or guardian of an account holder younger than 14 years of age to request the minor's account be terminated. Termination must be effective within **10 business days** after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

### Minors 14 or 15 Years of Age

For minors who are 14 or 15 years of age, the law provides the following:<sup>5</sup>

- Requires a social media platform to prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder, unless the minor's parent or guardian provides consent for the minor to become an account holder.
- Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising, if the account holder's parent or guardian has not provided consent for the minor to create or maintain the account.
  - The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of the 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
- Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

**If a court enjoins** the enforcement of the provisions for minors 14 or 15 years of age, or such provision caused a court to otherwise enjoin enforcement of any other of the provisions, then the provision is severed, and the following comes into effect:<sup>6</sup>

- A social media platform must prohibit a minor who is 14 or 15 years of age from entering into a contract with a social media platform to become an account holder.
- A social media platform must:
  - Terminate any account held by an account holder who is 14 or 15 years of age, including accounts that the social media platform treats or categorizes as belonging to an account holder who is likely 14 or 15 years of age for purposes of targeting content or advertising.

<sup>4</sup> S. [501.1736\(2\), F.S.](#)

<sup>5</sup> S. [501.1736\(3\), F.S.](#)

<sup>6</sup> S. [501.1736\(4\), F.S.](#)

- The social media platform must provide 90 days for an account holder to dispute such termination. Termination must be effective upon the expiration of 90 days if the account holder fails to effectively dispute the termination.
- Allow an account holder who is 14 or 15 years of age to request to terminate the account. Termination must be effective within 5 business days after such request.
- Allow the confirmed parent or guardian of an account holder who is 14 or 15 years of age to request that the minor's account be terminated. Termination must be effective within 10 business days after such request.
- Permanently delete all personal information held by the social media platform relating to the terminated account, unless there are legal requirements to maintain such information.

### ***Violations and Enforcement***

Knowing or reckless violation of the requirements for minor users under 14 years of age or the requirements for minor users under 16 years of age by a social media platform is an unfair and deceptive trade practice actionable under the [Florida Deceptive and Unfair Trade Practices Act \(FDUTPA\)](#) solely by the Department of Legal Affairs (DLA).<sup>7</sup> In addition to other FDUTPA remedies, DLA may collect a civil penalty of up to \$50,000 per violation and reasonable attorney fees and court costs. When the social media platform's failure to comply with such requirements is a consistent pattern of knowing or reckless conduct, punitive damages may be assessed against the social media platform.<sup>8</sup>

A social media platform that knowingly or recklessly violates the requirements for minor users under 14 years of age or the requirements for minor users under 16 years of age is liable to such minor account holder, including court costs and reasonable attorney fees as ordered by the court. Claimants may be awarded up to \$10,000 in damages. Such an action must be brought within 1 year from the date the complainant knew, or reasonably should have known, of the alleged violation.<sup>9</sup>

Actions may only be brought on behalf of a resident minor,<sup>10</sup> and do not preclude any other available remedy at law or equity against such social media platform.<sup>11</sup>

For purposes of bringing an action, a social media platform that allows a minor account holder younger than 14 years of age or a minor account holder who is 14 or 15 years of age to create an account on such platform is considered to be both engaged in substantial and not isolated activities within Florida and operating, conducting, engaging in, or carrying on a business and doing business in Florida, and is therefore subject to the jurisdiction of the courts of Florida.<sup>12</sup>

### ***DLA Subpoena Power***

Relating to DLA subpoena power:<sup>13</sup>

- If, by its own inquiry or as a result of complaints, DLA has reason to believe that an entity or person has engaged in, or is engaging in, an act or practice that violates such social media account requirements related to account holders under 16 years of age, DLA may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence. Within 5 days, excluding weekends and legal holidays, after the service of a subpoena or at any time before the return date specified therein, whichever is longer, the party served may file in the circuit court in the county in which it resides or in which it transacts business and serve upon the enforcing authority a petition for an order modifying or setting aside the subpoena. The

<sup>7</sup> DLA is prohibited from bringing an action against:

- Any person or activity regulated under laws administered by Office of Insurance Regulation or Department of Financial Services; and
  - Banks, credit unions, and savings and loan associations regulated by Office of Financial Regulation or federal agencies.
- S. [501.212\(4\), F.S.](#)

<sup>8</sup> S. [501.1736\(5\), F.S.](#)

<sup>9</sup> S. [501.1736\(6\)\(a\)and\(b\), F.S.](#)

<sup>10</sup> S. [501.1736\(6\)\(c\), F.S.](#)

<sup>11</sup> S. [501.1736\(9\), F.S.](#)

<sup>12</sup> S. [501.1736\(7\), F.S.](#)

<sup>13</sup> S. [501.1736\(10\), F.S.](#)

petitioner may raise any objection or privilege which would be available upon service of such subpoena in a civil action. The subpoena must inform the party served of its rights.

- If the matter that DLA seeks to obtain by subpoena is located outside Florida, the entity or person subpoenaed may make it available to DLA or its representative to examine the matter at the place where it is located. DLA may designate representatives, including officials of the state where the matter is located, to inspect the matter on its behalf, and may respond to similar requests from officials of other states.
- Upon failure of an entity or person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, DLA may apply to the circuit court for an order compelling compliance.
- DLA may request that an entity or person that refuses to comply with a subpoena on the ground that testimony or matter may incriminate the entity or person be ordered by the court to provide the testimony or matter. Except in a prosecution for perjury, an entity or individual that complies with a court order to provide testimony or matter after asserting a valid privilege against self-incrimination shall not have the testimony or matter so provided, or evidence derived therefrom, received against the entity or person in any criminal investigation or proceeding.

Any entity or person upon whom a subpoena is served must comply with the terms thereof unless otherwise provided by order of the court. Failure to appear is punishable as a civil penalty up to \$5,000 per week, including attorney's fees, and costs.<sup>14</sup>

### **Disappearing. Ephemeral Messaging**

According to the National Law Review, “ephemeral messages are self-destructing messages with no backup or archiving option. Unlike a typical text message that is sent and remains on a user’s and receiver’s phone until manually deleted, ephemeral messages delete themselves after a set time. Some examples of platforms that offer this type of feature are Signal, WhatsApp, WeChat, and Snapchat.”<sup>15</sup>

Disappearing messages have been found to be harmful to children. In 2020, when Facebook introduced disappearing messages, Anna Edmundson, the National Society for the Prevention of Cruelty to Children’s head of policy, expressed concerns, stating: “Despite its age restriction, many under-16s use WhatsApp and disappearing messages could put children at greater risk of harm, by providing groomers with yet another tool to avoid detection and erase evidence.”<sup>16</sup>

Some of the risks to children of disappearing messages include: cyberbullying, sexting, grooming, inadequate oversight, false sense of security and privacy, and inappropriate content.<sup>17</sup>

### **Florida Deceptive and Unfair Trade Practices Act**

FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, and unconscionable, deceptive, or unfair acts or practices in the conduct of trade or commerce.<sup>18</sup> The DLA or state attorney’s office (SAO) in the judicial circuit affected or where the violation occurs may bring actions on behalf of consumers or governmental entities when it serves the public interest.<sup>19</sup> The SAO may enforce violations of FDUTPA if the violations take place within its jurisdiction. The DLA has enforcement authority when the violation is multi-jurisdictional, the state attorney defers to the DLA in writing, or the state attorney fails to act within 90

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<sup>14</sup> *Id.*

<sup>15</sup> Michelle A. Freeman, *Disappearing Messages, Unofficial Communications Platforms and Ever-Increasing Scrutiny by Regulators*, The National Law Review (Oct. 7, 2024), <https://natlawreview.com/article/disappearing-messages-unofficial-communications-platforms-and-ever-increasing> (last visited Mar. 26, 2025).

<sup>16</sup> Mobicip, *Gone in a Flash: How Disappearing Messages Can Impact Your Child’s Online Safety* (May 13, 2024), <https://www.mobicip.com/blog/gone-flash-how-disappearing-messages-can-impact-your-childs-online-safety> (last visited Mar. 26, 2025).

<sup>17</sup> *Id.*

<sup>18</sup> S. [501.202, F.S.](#)

<sup>19</sup> Ss. [501.203\(2\)](#) and s. [01.207\(1\)\(c\) and \(2\), F.S.](#); see also David J. Federbush, *FDUTPA for Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLORIDA BAR JOURNAL 52, Dec. 2002 (analyzing the merits of FDUTPA and the potential for deterrence of anticompetitive conduct in Florida), available at [http://www.floridabar.org/divcom/jn/injournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0.business.Division\\*](http://www.floridabar.org/divcom/jn/injournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0.business.Division*) (last visited on Mar. 26, 2025).

days after a written complaint is filed.<sup>20</sup> In certain circumstances, consumers may also file suit through private actions.<sup>21</sup>

The DLA and the SAO have powers to investigate FDUTPA claims, which include:<sup>22</sup>

- Administering oaths and affirmations;
- Subpoenaing witnesses or matter; and
- Collecting evidence.

The DLA and SAO may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to \$10,000 per willful violation.<sup>23</sup>

FDUTPA may not be applied to certain entities in certain circumstances, including:<sup>24</sup>

- Any person or activity regulated under laws administered by the Office of Insurance Regulation or the Department of Financial Services; or
- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

### **Recent Court Cases**

In October 2024, two internet-industry groups filed a federal lawsuit challenging the constitutionality of Florida’s law limiting minors’ access to social media platforms. The Computer & Communications Industry Association (CCIS) and NetChoice, whose members include tech companies such as Google and Meta Platforms, alleged that the law violated their First Amendment rights and that parents control their children’s social-media use.<sup>25</sup>

In March 2025, the motion for preliminary injunction was denied. The order did not include a ruling on the First Amendment issue. The order was instead based on the decision that the plaintiffs did not “show a substantial likelihood demonstrating standing” that at least one of the group members “will suffer irreparable injury” without an injunction. The effective date of the law was supposed to be January 1, 2025; however, in November the State agreed not to enforce it until the ruling occurred.<sup>26</sup> The case was dismissed; however, on March 28, 2025, the plaintiffs filed an amended complaint asking the Court again to declare Section 1 of HB 3 unconstitutional and enjoin the Attorney General of Florida from enforcing it.<sup>27</sup> The plaintiff’s argued that they “have associational standing to challenge the Act because: (1) some of their members have standing to sue in their own right; (2) challenging the Act is germane to CCIA’s and NetChoice’s associational purposes; and (3) their members’ individual participation is unnecessary in this challenge.”<sup>28</sup>

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<sup>20</sup> S. [501.203\(2\), F.S.](#)

<sup>21</sup> S. [501.211, F.S.](#)

<sup>22</sup> S. [501.206\(1\), F.S.](#)

<sup>23</sup> Ss. [501.207\(1\)](#), [501.208](#), and [501.2075, F.S.](#) Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. S. [501.2105, F.S.](#)

<sup>24</sup> S. [501.212\(4\), F.S.](#)

<sup>25</sup> *Computer & Communications Industry Association and NetChoice v. Uthmeier*, Case No.: 4:24-cv-00438-MW-MAF. The case is in the US District Court, Northern District of Florida.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*



RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	<a href="#">CS/CS/HB 3</a>	Tramont, Overdorf, Sirois, McFarland, Rayner		The bill became law on Jan. 1, 2025.

OTHER RESOURCES:

[Johns Hopkins Medicine: Social Media and Mental Health in Children and Teens](#)

[Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory](#)

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Industries &amp; Professional Activities Subcommittee</a>	15 Y, 0 N, As CS	3/19/2025	Anstead	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	The PCS removed the main substance of the bill, which requires social media platforms to disable end-to-end-encryption features for minor accounts under 16 years of age, and instead required the platforms to: <ul style="list-style-type: none"><li>• Allow parents to view all messages.</li><li>• Allow law enforcement to view messages during an investigation pursuant to parental consent and a warrant.</li><li>• Prohibit anyone under 16 from using disappearing messaging.</li></ul>			
<a href="#">Criminal Justice Subcommittee</a>	15 Y, 0 N	3/26/2025	Hall	Leshko
<a href="#">Commerce Committee</a>	24 Y, 0 N, As CS	4/22/2025	Hamon	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"><li>• Required social media platforms to:<ul style="list-style-type: none"><li>○ Permanently delete all personal information held by the platform relating to a terminated account <b>within 45 days of termination.</b></li><li>○ Allow the confirmed parent or legal guardian of certain minor account holders to view a list of the account names with whom the minor has exchanged messages.</li><li>○ Disclose to a law enforcement officer certain available data.</li></ul></li><li>• Changed the effective date.</li></ul>			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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