A bill to be entitled
An act relating to social media use for minors;
creating s. 501.1736, F.S.; providing definitions;
requiring social media platforms to prohibit certain
minors from creating new accounts, to terminate
certain accounts and provide additional options for
termination of such accounts, to use reasonable age
verification methods to verify the ages of account
holders, and to disclose specified policies and
provide specified resources, measures, and
disclaimers; authorizing the Department of Legal
Affairs to bring actions for violations under the
Florida Deceptive and Unfair Trade Practices Act;
providing penalties; providing for private causes of
actions; providing that certain social media platforms
are subject to the jurisdiction of state courts;
providing that if a social media platform allows an
account holder to use such platform, the parties have
entered into a contract; providing construction;
authorizing the department to adopt rules; providing
an effective date.

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

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

501.1736 Social media use for minors.—
(1) As used in this section, the term:

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

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

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

(d) "Social media platform:"

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

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

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

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

   d. Utilizes addictive, harmful, or deceptive design
      features, or any other feature that is designed to cause an
      account holder to have an excessive or compulsive need to use or
      engage with the social media platform.
e. Allows the utilization of information derived from the social media platform's tracking of the activity of an account holder to control or target at least part of the content offered to the account holder.

2. Does not include an online service, website, or application where the predominant or exclusive function is:
   a. Electronic mail.
   b. Direct messaging consisting of text, photos, or videos that are sent between devices by electronic means where messages are shared between the sender and the recipient only, visible to the sender and the recipient, and are not posted publicly.
   c. A streaming service that provides only licensed media in a continuous flow from the service, website, or application to the end user and does not obtain a license to the media from a user or account holder by agreement to its terms of service.
   d. News, sports, entertainment, or other content that is preselected by the provider and not user generated, and any chat, comment, or interactive functionality that is provided incidental to, directly related to, or dependent upon provision of the content.
   e. Online shopping or e-commerce, if the interaction with other users or account holders is generally limited to the ability to upload a post and comment on reviews or display lists or collections of goods for sale or wish lists, or other functions that are focused on online shopping or e-commerce.
rather than interaction between users or account holders.

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

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

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

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

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

k. Business to business software.

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

m. Shared document collaboration.

n. Cloud computing services, which may include cloud storage and shared document collaboration.
To provide access to or interacting with data visualization platforms, libraries, or hubs.

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

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

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

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

(I) A learning management system;

(II) A student engagement program; and

(III) A subject or skill-specific program.

A social media platform shall do all of the following:

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

(b) Use reasonable age verification methods to verify the age of each account holder on the social media platform at
the time a new account is created. If an account holder fails to verify his or her age, the social media platform must deny the account. The reasonable age verification method must be conducted by a nongovernmental, independent, third-party not affiliated with the social media platform.

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

(c) For existing accounts:

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

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

3. Allow the confirmed parent or guardian of an account holder younger than 16 years of age to request the minor's account be terminated. Termination must be effective within 10 business days after such request.

4. 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.
(d) If the social media platform allows minors younger than 18 years of age to create an account on the platform, the platform must include a clearly labeled, conspicuous, and readily accessible link on its Internet homepage or platform login page that:

1. Discloses the following social media platform policies in a manner that is clearly, concisely, prominently, and understandably written using language suited to the age of users who are younger than 18 years of age likely to routinely access the platform without unrelated, confusing, or contradictory materials:

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

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

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

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

   e. The methodology the social media platform uses to consider the best interests of platform users who are younger than 18 years of age when designing, developing, and providing services.
f. The policies and protections the social media platform uses to protect platform users who are younger than 18 years of age against harmful behaviors, such as bullying, harassment, and threats of violence or self-harm.

g. Whether the social media platform collects or sells personal information of platform users who are younger than 18 years of age, including personal identifiers, biometrics, and geolocation data. If such personal information is collected, the platform must disclose the type of personal information collected and the purpose of such collection. If such personal information is sold, the platform must disclose to whom the information is sold.

2. Provides clear access to the following:
   a. Zip code-based references to local resources for law enforcement, suicide prevention, and domestic violence prevention services.
   b. Reporting mechanisms related to harmful behaviors, such as bullying, harassment, and threats of violence or self-harm.

3. At the time of log in, and before obtaining access to the platform, requires platform users who are younger than 18 years of age to read and accept a disclaimer which must be in substantially the following form:

   This application may be harmful to your mental health and may use design features that have addictive
qualities or present unverified information or that 
may be manipulated by [insert platform name] or others 
for your viewing. This application may also collect 
your personal data to further manipulate your viewable 
content and may share your personal data with others.

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

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

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

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

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

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

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

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

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