HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5C Social Media Platforms
SPONSOR(S): Andrade
TIED BILLS: **IDEN./SIM. BILLS:** SB 6-C

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Judiciary Committee	13 Y, 6 N	Anstead	Kramer

SUMMARY ANALYSIS

Section 230 of the Federal Communications Decency Act provides immunity from liability for social media platforms that, in good faith, remove or restrict from their services information deemed "obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected." While this immunity has fostered the growth of certain parts of the Internet, there have been criticisms of Section 230 from both sides of the aisle.

In 2021, the Florida Legislature passed SB 7072, which addressed some concerns related to social media platforms. The bill was signed by the Governor on May 24, 2021. Among other things, the bill created s. 501.2041, F.S., which provides that social media platforms must apply uniform standards, notify censored or deplatformed users, allow users to make certain choices, ensure posts by or about candidates for office in Florida are not shadow banned, and ensure that journalistic enterprises are not censored or deplatformed.

Section 501.2041, F.S., defines "social media platform" as any information service, system, Internet search engine, or access software provider that provides or enables computer access by multiple users to a computer server, including an Internet platform and/or a social media site, operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity, does business in the state, and satisfies at least one of the following thresholds:

- Has annual gross revenues in excess of $100 million, as adjusted in January of each odd-numbered year to reflect any increase in the Consumer Price Index.
- Has at least 100 million monthly individual platform participants globally.

However, the definition of "social media platform" excludes any information service, system, Internet search engine, or access software provider operated by a company that owns and operates a specific type of theme park as defined in s. 509.013, F.S.Prior to the effective date of SB 7072, NetChoice, LLC, and the Computer & Communications Industry Association—trade associations whose members include social media providers—filed a complaint in the U.S. District Court for the Northern District of Florida challenging the constitutionality of many of the bill's provisions and exceptions, and immediately moved the Court for a preliminary injunction. The complaint alleged that s. 501.2041 violates the free speech provisions of the First Amendment; the Fourteenth Amendment's equal protection clause, by impermissibly discriminating between providers that are or are not under common ownership with a large theme park (theme park exclusion); and is preempted by federal statute. The Court granted NetChoice a preliminary injunction which in part prohibited the State from enforcing s. 501.2041, F.S.

The State filed an appeal of the District Court's decision in the U.S. Court of Appeals for the Eleventh Circuit. The case has been fully briefed, and oral argument is scheduled for April 28, 2022.

The bill removes the theme park exclusion from the definition of social media platform in s. 501.2041, F.S.

The bill has no fiscal impact on state or local government.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Social Media Platforms - Current Situation

Section 230

The federal Communications Decency Act (CDA) was passed in 1996 "to protect children from sexually explicit Internet content."[1] 47 U.S. Code § 230 (Section 230) was later added to the CDA "to maintain the robust nature of Internet communication and, accordingly, to keep government interference in the medium to a minimum."[2]

Section 230 states that "[i]t is the policy of the United States—(1) to promote the continued development of the Internet and other interactive computer services and other interactive media; [and] (2) to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation."[3] To accomplish these goals, Section 230 states that no provider or user of an interactive computer service may be held liable on account of any action:[4]

- Voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
- Taken to enable or make available to information content providers or others the technical means to restrict access to material from any person or entity that is responsible for the creation or development of information provided through any interactive computer service.

Section 230 was passed in part to assuage Congressional concern regarding the application of two inconsistent judicial decisions,[5] both of which "appl[ied] traditional defamation law to internet providers."[6] The first decision had held that an interactive computer service provider could not be liable for a third party's defamatory statement, but the second decision had imposed liability where a service provider had filtered content in an effort to block obscene material.[7] To resolve the inconsistency, Section 230 specifies that "[n]o provider ... of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."[8] In light of Congress's objectives, the judicial circuits are in general agreement that this provision should be construed broadly in favor of immunity.[9]

Additionally, Section 230 specifically addresses how the federal law affects other laws, prohibiting all inconsistent causes of action and liability imposed under any State or local law.[10] However, Section 230 does not affect federal criminal law, intellectual property law, the Electronic Communications Privacy Act of 1986, or sex trafficking laws.

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[1] *Force v. Facebook, Inc.*, 934 F.3d 53, 63 (2d Cir. 2019) (citing *FTC v. LeadClick Media, LLC*, 838 F.3d 158, 173 (2d Cir. 2016) (citing 141 Cong. Rec. S1953 (daily ed. Feb. 1, 1995) (statement of Sen. Exon)).
[2] *Force*, 934 F.3d at 63 (quoting *Ricci v. Teamsters Union Local 456*, 781 F.3d 25, 28 (2d Cir. 2015) (quoting *Zeran v. Am. Online, Inc.*, 129 F.3d 327, 330 (4th Cir. 1997)).
[3] 47 U.S.C. § 230(b)(1)–(2).
[4] 47 U.S.C. § 230(c).
[5] *Cubby, Inc. v. CompuServe, Inc.*, 776 F. Supp. 135 (S.D.N.Y. 1991) and *Stratton Oakmont, Inc. v. Prodigy Servs. Co.*, No. 31063/94, 1995 WL 323710 (N.Y. Sup. Ct. May 24, 1995).
[6] *Force*, 934 F.3d at 63 (quoting *LeadClick*, 838 F.3d at 173).
[7] *Force*, 934 F.3d at 63 (quoting *LeadClick*, 838 F.3d at 173 (citing 141 Cong. Rec. H8469-70 (daily ed. Aug. 4, 1995) (statement of Rep. Cox))).
[8] 47 U.S.C. § 230(c)(1).
[9] *Force*, 934 F.3d at 63 (quoting *LeadClick*, 838 F.3d at 173).
[10] 47 U.S.C. § 230(e).

While Section 230 immunity has fostered the free flow of ideas on the Internet, critics have argued that Section 230 shields publishers from liability for allowing harmful content.[11] Recently, there have also been criticisms of the broad immunity provisions or liability shields which allow individuals unhappy with third-party content to sue the user who posted it but not the platform hosting it. Both sides of the political aisle have claimed that internet platforms engage in political censorship and unduly restrict viewpoints.[12]

Congressional and executive proposals to limit immunity for claims relating to platforms purposefully hosting content from those engaging in child exploitation, terrorism, and cyber-stalking have been introduced.[13] Bills have also been filed that would require internet platforms to have clear content moderation policies, submit detailed transparency reports, and remove immunity for platforms that engage in certain advertising practices.[14] Further, Congressional proposals have been offered to limit the liability shield for internet providers who restrict speech based on political viewpoints.[15]

Internet and Social Media Platforms

Individuals access computer systems and interact with such systems and other individuals on the Internet in many ways, including through:

- Social media sites, which are websites and applications allowing users to communicate informally with others, find people, and share similar interests;[16]
- Internet platforms, which are servers used by an Internet provider to support Internet access by their customers;[17]
- Internet search engines, which are computer software used to search data (such as text or a database) for specified information;[18] and
- Access software providers, which are providers of software or enabling tools for content processing.[19]

Such platforms earn revenue through various mechanisms, including by:

- Data monetization,[20] a mechanism in which data that is gathered and stored on the millions of users that spend time on free content sites can be sold and used to help e-commerce companies tailor their marketing campaigns to a specific set of online consumers.[21]
- Subscription or membership fees, whereby users pay for a particular or unlimited use of the platform infrastructure.[22]

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[11] Zoe Bedell and John Major, *What's Next for Section 230? A Roundup of Proposals* Lawfare, (July 29, 2020) https://www.lawfareblog.com/whats-next-section-230-roundup-proposals (last visited Feb. 25, 2021).
[12] For example, on May 28, 2020, an executive order was issued by President Trump suggesting that websites "should properly lose" their "limited liability shield" whenever they "remove or restrict access to content" not in good faith. Bedell, *supra* note 11; Exec. Order No. 13925, 85 Fed. Reg. 34079 (May 28, 2020).
[13] *Id*; United States Department of Justice, Department of Justice's Review of Section 230 of the Communications Decency Act of 1996, https://www.justice.gov/archives/ag/department-justice-s-review-section-230-communications-decency-act-1996 (last visited Feb. 25, 2021); EARN IT Act of 2020, S.3398, 116th Cong. (2020).
[14] Bedell, *supra* note 11; PACT Act, S.4066, 116th Cong. (2020); BAD ADS Act, S.4337, 116th Cong. (2020).
[15] Bedell, *supra* note 11; Limiting Section 230 Immunity to Good Samaritans Act, S.3983, 116th Cong. (2020).
[16] DelValle Institute Learning Center, *Social Media Platforms*, https://delvalle.bphc.org/mod/wiki/view.php?pageid=65 (last visited Feb. 24, 2021).
[17] IGI Global, *Internet Platform*, https://www.igi-global.com/dictionary/internet-platform/15441 (last visited Feb. 24, 2021).
[18] Merriam Webster, *Search Engine*, https://www.merriam-webster.com/dictionary/search%20engine (last visited Feb. 24, 2021).
[19] Cornell Law School, Legal Information Institute, *Access Software Provider,* https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=47-USC-629364878-1237841280&term_occur=1&term_src=title:47:chapter:5:subchapter:II:part:I:section:230#:~:text=(4)%20Access%20software%20provider%20The,C)%20transmit%2C%20receive%2C%20display (last visited Feb. 24, 2021).
[20] The Alexander von Humboldt Institute for Internet and Society, *How do digital platforms make their money?*, July 29, 2019, https://www.hiig.de/en/how-do-digital-platforms-make-their-money/ (last visited Feb. 27, 2021).
[21] Data gathered may include specific user locations, browsing habits, buying behavior, and unique interests. Investopedia, *How Do Internet Companies Profit with Free Services?*, https://www.investopedia.com/ask/answers/040215/how-do-internet-companies-profit-if-they-give-away-their-services-free.asp#:~:text=Profit%20Through%20Advertising,content%20is%20through%20advertising%20revenue.&text=Each%20of%20these%20users%20represents,and%20services%20via%20the%20Internet. (last visited Feb. 27, 2021).
[22] HIIG, *supra* note 20.

- Transaction fees, whereby platforms benefit from every transaction that is enabled between two or more actors.[23]

Freedom of Speech

The First Amendment to the United States Constitution protects the right to freedom of expression from government interference. The First Amendment applies to Congress, and, under the Due Process Clause of the Fourteenth Amendment, to state governments.[24]

The most basic component of freedom of expression is the right to freedom of speech, which right may be exercised by words or in certain situations, actions, and applies to online speech.[25] The United States Supreme Court (Supreme Court) requires the government to provide a compelling state interest when it interferes with the right of free speech by regulating the speech's content.[26]

Businesses have some of the same First Amendment rights as individuals.[27] Generally, a business cannot be compelled to host speech with which it disagrees absent a mandate with a narrowly-tailored means of serving a compelling state interest.[28] Businesses also have a right to unrestricted independent expenditures for political communications and elections as a form of corporate speech.[29]

Supremacy Clause

Article VI, Paragraph 2 of the United States Constitution, commonly referred to as the Supremacy Clause, establishes that the federal constitution, and federal law generally, take precedence over state laws and constitutions. The Supremacy Clause also prohibits states from interfering with the federal government's exercise of its constitutional powers, and from assuming any functions that are exclusively entrusted to the federal government. It does not, however, allow the federal government to review or veto state laws before they take effect.[30]

Florida SB 7072 (2021)

In 2021, the Florida Legislature passed SB 7072, which addressed some concerns related to social media platforms. SB 7072 was signed by the Governor on May 24, 2021. Among other things, SB 7072 created s. 501.2041, F.S., which provides that a social media platform must:

- Publish standards used for determining how to censor, deplatform, and shadow ban users, and apply such standards in a consistent manner
- Inform each user about any changes to its user rules, terms, and agreements before implementing the changes and not make changes more than once every 30 days
- Notify a user in a specified manner within 7 days of censoring or deplatforming the user
- Allow a user to request the number of other individuals who were shown the user's content or posts, and provide such information upon such request by the user
- Provide users with an option to opt out of post-prioritization and shadow banning algorithms to allow sequential or chronological posts and content
- Ensure that posts by or about candidates for office in Florida are not shadow banned
- Ensure that journalistic enterprises are not censored, deplatformed, or shadow banned

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[23] *Id*. An example is AirBnB charging a fee to users transacting on the site.
[24] Cornell Law School, Legal Information Institute, *First Amendment*, https://www.law.cornell.edu/wex/first_amendment (last visited Feb. 23, 2021); *Santa Clara v. Southern Pacific Railroad Co.*, 118 U.S. 394 (1886).
[25] *Reno v. ACLU*, 521 U.S. 844 (1997); Jason Kelley, *Section 230 is Good, Actually*, Electronic Frontier Foundation (de. 3, 2020) https://www.eff.org/deeplinks/2020/12/section-230-good-actually (last visited Feb. 25, 2021).
[26] Cornell Law School, *supra* note 34.
[27] *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010).
[28] *Consolidated Edison Co. v. Public Service Commission*, 447 U.S. 530 (1980); *First National Bank of Boston v. Belliotti*, 438 U.S. (1978); *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974); *Pacific Gas & Electric Co. v. Public Utilities Commission of California*, 475 U.S. 1 (1986).
[29] *Citizens United*, *supra* note 38.
[30] Cornell Law School, Legal Information Institute, *Supremacy Clause*, https://www.law.cornell.edu/wex/supremacy_clause (last visited Feb. 23, 2021).

SB 7072 defined "social media platform" as any information service, system, Internet search engine, or access software provider that:

- Provides or enables computer access by multiple users to a computer server, including an Internet platform and/or a social media site;
- Operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity;
- Does business in the state; and
- Satisfies at least one of the following thresholds:
    - Annual gross revenues in excess of $100 million, as adjusted in January of each odd-numbered year to reflect any increase in the Consumer Price Index.
    - At least 100 million monthly individual platform participants globally.

SB 7072 provided for an exclusion: the term "social media platform" does not include any information service, system, Internet search engine, or access software provider operated by a company that owns and operates a **theme park** or entertainment complex as defined in s. 509.013, F.S., which defines theme park as a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity, which contains permanent exhibitions, recreational activities and has a minimum of 1 million visitors annually.

SB 7072 also:

- Provided for enforcement by allowing a social media platform that fails to comply with the requirements to be found in violation of the Florida Deceptive and Unfair Trade Practices Act by the Department of Legal Affairs (DLA). Additionally, a user may bring a private cause of action against a social media platform for failing to consistently apply certain standards and for censoring or deplatforming without proper notice.
- Prohibited social media platforms from deplatforming candidates for political office, and allows the Florida Elections Commission to fine a social media platform $250,000 per day for deplatforming statewide candidates and $25,000 per day for deplatforming all other candidates. If a social media platform knowingly provides free advertisements for a candidate, such ads are treated as an in-kind contribution and the candidate must be notified.
- Prohibited social media platforms convicted of or held civilly liable for state or federal antitrust violations from contracting with public entities, and allowed such entities to be placed on the Antitrust Violator Vendor List (list) by the Department of Management Services.

SB 7072 (2021) – Litigation History

Immediately after the bill was signed by the Governor, but prior to the bill's effective date of July 1, 2021, NetChoice, LLC, and the Computer & Communications Industry Association (jointly referred to as "NetChoice") filed a complaint in the U.S. District Court for the Northern District of Florida challenging the constitutionality of many of the bill's provisions and exceptions, and immediately moved the Court for a preliminary injunction. The District Court granted the preliminary injunction on June 30, 2021.[31]

The complaint filed by NetChoice[32] alleges the following:

- Count 1 of the complaint alleges the Act "violates the First Amendment's free-speech clause by interfering with the providers' editorial judgment, compelling speech, and prohibiting speech."
- Count 2 alleges the Act "is vague in violation of the Fourteenth Amendment."
- Count 3 alleges the Act "violates the Fourteenth Amendment's equal protection clause by impermissibly discriminating between providers that are or are not under common ownership with a large theme park and by discriminating between providers that do or do not meet the Act's size requirements."
- Count 4 alleges the Act "violates the Constitution's dormant commerce clause."

[31] *NetChoice, LLC v. Moody*, 546 F. Supp. 3d 1082 (N.D. Fla. 2021) (NetChoice, LLC, and the Computer & Communications Industry Association are trade associations whose members include social media providers .)
[32] *NetChoice, LLC v. Moody*, 546 F. Supp. 3d 1082, 1085 (N.D. Fla. 2021).

- Count 5 alleges the Act "is preempted by 47 U.S.C. § 230(e)(3), which, together with § 230(c)(2)(A), expressly prohibits imposition of liability on an interactive computer service—this includes a social-media provider—for action taken in good faith to restrict access to material the service finds objectionable."[33]

Relevant here is the part of Count 3 related to s. 501.2041, F.S., which alleges the provision violates the Fourteenth Amendment's equal protection clause by impermissibly discriminating between providers that are or are not under common ownership with a large theme park (theme park exclusion).

As a prerequisite to a preliminary injunction, a plaintiff must establish a substantial likelihood of success on the merits, that the plaintiff will suffer irreparable injury if the injunction does not issue, that the threatened injury outweighs whatever damage the proposed injunction may cause a defendant, and that the injunction will not be adverse to the public interest.[34]

The District Court's order granting the preliminary injunction addressed the prerequisites and the merits "because likelihood of success on the merits is one of the prerequisites. With further factual development, the analysis may change. Statements in this order about the facts should be understood to relate only to the current record and the properly considered material now available. Statements about the merits should be understood only as statements about the likelihood of success as viewed at this time."[35]

The District Court summed up the issue related the application of First Amendment jurisprudence to social media platforms as follows:

> "The First Amendment says "Congress" shall make no law abridging the freedom of speech or of the press. The Fourteenth Amendment extended this prohibition to state and local governments. The First Amendment does not restrict the rights of private entities not performing traditional, exclusive public functions. *See, e.g., Manhattan Cmty. Access Corp. v. Halleck*, —— U.S. ——, 139 S. Ct. 1921, 1930, 204 L.Ed.2d 405 (2019). So whatever else may be said of the providers' actions, they do not violate the First Amendment."
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> "Second, the First Amendment applies to speech over the internet, just as it applies to more traditional forms of communication. *See, e.g., Reno v. ACLU*, 521 U.S. 844, 870, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997) (stating that prior cases, including those allowing greater regulation of broadcast media, "provide no basis for qualifying the level of First Amendment scrutiny that should be applied" to the internet)."
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> "Third, state authority to regulate speech has not increased even if, as Florida argued nearly 50 years ago and is again arguing today, one or a few powerful entities have gained a monopoly in the marketplace of ideas, reducing the means available to candidates or other individuals to communicate on matters of public interest. In *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241, 94 S.Ct. 2831, 41 L.Ed.2d 730 (1974), the Court rejected just such an argument, striking down a Florida statute requiring a newspaper to print a candidate's reply to the newspaper's unfavorable assertions."[36]

The District Court indicated that the law was not clearly settled related to issues about First Amendment treatment of social-media providers: "The plaintiffs say, in effect, that they should be treated like any other speaker. The State says, in contrast, that social-media providers are more like common carriers, transporting information from one person to another much as a train transports people or products from one city to another. The truth is in the middle."[37]

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[33] *NetChoice, LLC,* 546 F. Supp. 3d at 1085.
[34] See, e.g., *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1354 (11th Cir. 2005); *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) *(en banc).*
[35] *NetChoice, LLC,* 546 F. Supp. 3d at 1085.
[36] *NetChoice, LLC,* 546 F. Supp. 3d at 1090–91.
[37] *NetChoice, LLC,* 546 F. Supp. 3d at 1091.

The District Court determined that strict scrutiny applied as the standard to be used:

> "Viewpoint- and content-based restrictions on speech are subject to strict scrutiny. A law restricting speech is content-based if it "applies to particular speech because of the topic discussed or the idea or message expressed." Laws that are facially content-neutral, but that cannot be justified without reference to the content of the regulated speech, or that were adopted because of disagreement with the speaker's message, also must satisfy strict scrutiny."[38]

Crucially, in its analysis relating to the bill's exclusion for social-media providers under common ownership with a large Florida theme park, the District Court wrote that at oral argument, the State could not suggest even one theory under which the theme park exclusion could survive even intermediate scrutiny; and the Court mentioned the State's qualified agreement that such exclusion would fail, leaving the rest of the bill intact.

Thus, the State had to argue that the theme park exclusion should be severed but that the remaining provisions could withstand constitutional scrutiny. The District Court ultimately rejected the State's argument and found that the provisions could not pass either strict scrutiny or intermediate scrutiny:

> "To survive strict scrutiny, an infringement on speech must further a compelling state interest and must be narrowly tailored to achieve that interest. Indeed, the State has advanced no argument suggesting the statutes can survive strict scrutiny. They plainly cannot. First, leveling the playing field—promoting speech on one side of an issue or restricting speech on the other—is not a legitimate state interest. Whatever might be said of any other allegedly compelling state interest, these statutes are not narrowly tailored. Like prior First Amendment restrictions, this is an instance of burning the house to roast a pig."[39]

The District Court enjoined the State from enforcing any provision of s. 501.2041, F.S., on preemption and First Amendment grounds, further opining as follows:

> "Balancing the exchange of ideas among private speakers is not a legitimate governmental interest. And even aside from the actual motivation for this legislation, it is plainly content-based and subject to strict scrutiny. It is also subject to strict scrutiny because it discriminates on its face among otherwise-identical speakers: between social-media providers that do or do not meet the legislation's size requirements and are or are not under common ownership with a theme park. The legislation does not survive strict scrutiny. Parts also are expressly preempted by federal law."[40]

The State filed an appeal of the District Court's decision in the U.S. Court of Appeals for the Eleventh Circuit; the case has been fully briefed; and oral argument in scheduled for April 28, 2022.

Social Media Platforms – Effect of the Bill

The bill removes the theme park exclusion from the definition of social media platforms in section 501.2041, F.S.

The bill is effective upon becoming a law.

B. SECTION DIRECTORY:

[38] *NetChoice, LLC,* 546 F. Supp. 3d at 1093.
[39] *NetChoice, LLC,* 546 F. Supp. 3d at 1094–95 (citations omitted) ("Intermediate scrutiny does not apply because these statutes are not content- or viewpoint-neutral. And the statutes would not survive intermediate scrutiny even if it applied.")
[40]

Section 1: Amends s. 501.2041, F.S., relating to unlawful acts and practices by social media platforms.
Section 2: Reenacts s. 106.072, F.S., relating to social media deplatforming of political candidates.
Section 3: Reenacts s. 287.137, relating to antitrust violations; denial or recovation of the right to transact business with public entities; denial of economic benefits.
Section 4: Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill removes a provision that excludes certain entities from the application of 2021 SB 7072, which may have an economic impact on such entities.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Although the bill addresses the issue raised by the District Court related to the theme park exclusion contained in s. 501.2041, F.S., the bill does not address any of the other constitutional concerns raised by the District Court in *NetChoice, LLC v. Moody*, 546 F. Supp. 3d 1082 (N.D. Fla. 2021).

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES