

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gantt offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 110-219 and insert:

5 (a) Prohibit a minor who is younger than 18 years of age  
6 from creating a new account on the social media platform unless  
7 the social media platform has obtained express consent from the  
8 minor's parent or legal guardian.

9 (b)1. Use reasonable age verification methods to verify  
10 the age of each account holder on the social media platform at  
11 the time a new account is created. If an account holder fails to  
12 verify his or her age, the social media platform must deny the  
13 account. The reasonable age verification method must be

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14 conducted by a nongovernmental, independent, third-party not  
15 affiliated with the social media platform.

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

21 (c) For existing accounts:

22 1. Terminate any account that is reasonably known by the  
23 social media platform to be held by a minor younger than 18  
24 years of age unless the social media platform has obtained  
25 express consent from the minor's parent or legal guardian that  
26 the minor is authorized to have the account. The social media  
27 platform must provide a minimum of 90 days for an account holder  
28 to dispute such termination by verifying his or her age or  
29 providing the express consent of his or her parent or legal  
30 guardian.

31 2. Allow an account holder younger than 18 years of age to  
32 request to terminate the account. Termination must be effective  
33 within 5 business days after such request.

34 3. Allow the confirmed parent or legal guardian of an  
35 account holder younger than 18 years of age to request the  
36 minor's account be terminated. Termination must be effective  
37 within 10 business days after such request.

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

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

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

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

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

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

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

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62 e. The methodology the social media platform uses to  
63 consider the best interests of platform users who are younger  
64 than 18 years of age when designing, developing, and providing  
65 services.

66 f. The policies and protections the social media platform  
67 uses to protect platform users who are younger than 18 years of  
68 age against harmful behaviors, such as bullying, harassment, and  
69 threats of violence or self-harm.

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

78 2. Provides clear access to the following:

79 a. Zip code-based references to local resources for law  
80 enforcement, suicide prevention, and domestic violence  
81 prevention services.

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

84 3. At the time of log in, and before obtaining access to  
85 the platform, requires platform users who are younger than 18

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86 years of age to read and accept a disclaimer which must be in  
87 substantially the following form:

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

96  
97 (3) Any violation of subsection (2) is an unfair and  
98 deceptive trade practice actionable under part II of this  
99 chapter solely by the department against a social media  
100 platform. If the department has reason to believe that a social  
101 media platform is in violation of subsection (2), the  
102 department, as the enforcing authority, may bring an action  
103 against such platform for an unfair or deceptive act or  
104 practice. For the purpose of bringing an action pursuant to this  
105 section, ss. 501.211 and 501.212 do not apply. In addition to  
106 other remedies under part II of this chapter, the department may  
107 collect a civil penalty of up to \$50,000 per violation.

108 (4) (a) A social media platform that violates subparagraph  
109 (2) (c) 2. or subparagraph (2) (c) 3. for failing to terminate an  
110 account within the required time after being notified to do so

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111 by the minor account holder or a confirmed parent or guardian is  
112 liable to such Florida minor for such access, including court  
113 costs and reasonable attorney fees as ordered by the court.

114 Claimants may be awarded up to \$10,000 in damages.

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

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

119 (6) For purposes of bringing an action in accordance with  
120 subsections (3) and (4), a social media platform that allows a  
121 Florida minor younger than 18 years of age to create an account

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123

124 **T I T L E A M E N D M E N T**

125 Remove line 5 and insert:

126 minors from creating new accounts unless the social  
127 media platform has obtained express consent from the  
128 minor's parent or legal guardian, to terminate

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