

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Sirois offered the following:

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

4 Remove lines 27-227 and insert:

5 opens an account or creates a profile or is permitted to use any
6 other form of identification to use or access a social media
7 platform.

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

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

13 (d) "Social media platform:"

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

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

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

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

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

26 e. Allows the utilization of information derived from the
27 social media platform's tracking of the activity of an account
28 holder to control or target at least part of the content offered
29 to the account holder.

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

32 a. Electronic mail.

33 b. Direct messaging consisting of text, photos, or videos
34 that are sent between devices by electronic means where messages
35 are shared between the sender and the recipient only, visible to
36 the sender and the recipient, and are not posted publicly.

37 c. A streaming service that provides only licensed media
38 in a continuous flow from the service, website, or application

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39 to the end user and does not obtain a license to the media from
40 a user or account holder by agreement to its terms of service.

41 d. News, sports, entertainment, or other content that is
42 preselected by the provider and not user generated, and any
43 chat, comment, or interactive functionality that is provided
44 incidental to, directly related to, or dependent upon provision
45 of the content.

46 e. Online shopping or e-commerce, if the interaction with
47 other users or account holders is generally limited to the
48 ability to upload a post and comment on reviews or display lists
49 or collections of goods for sale or wish lists, or other
50 functions that are focused on online shopping or e-commerce
51 rather than interaction between users or account holders.

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

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

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

62 i. Single-purpose community groups for public safety if
63 the interaction with other users or account holders is generally

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64 limited to that single purpose and the community group has
65 guidelines or policies against illegal content.

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

69 k. Business to business software.

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

73 m. Shared document collaboration.

74 n. Cloud computing services, which may include cloud
75 storage and shared document collaboration.

76 o. To provide access to or interacting with data
77 visualization platforms, libraries, or hubs.

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

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

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

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

92 (I) A learning management system;

93 (II) A student engagement program; and

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

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

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

99 (b)1. Use reasonable age verification methods to verify
100 the age of each account holder on the social media platform at
101 the time a new account is created. If an account holder fails to
102 verify his or her age, the social media platform must deny the
103 account. The reasonable age verification method must be
104 conducted by a nongovernmental, independent, third-party not
105 affiliated with the social media platform.

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

111 (c) For existing accounts:

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

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

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

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

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

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

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

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

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

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

147 e. The methodology the social media platform uses to
148 consider the best interests of platform users who are younger
149 than 18 years of age when designing, developing, and providing
150 services.

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

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

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161 information is sold, the platform must disclose to whom the
162 information is sold.

163 2. Provides clear access to the following:

164 a. Zip code-based references to local resources for law
165 enforcement, suicide prevention, and domestic violence
166 prevention services.

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

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

173
174 This application may be harmful to your mental health
175 and may use design features that have addictive
176 qualities or present unverified information or that
177 may be manipulated by [insert platform name] or others
178 for your viewing. This application may also collect
179 your personal data to further manipulate your viewable
180 content and may share your personal data with others.

181
182 (3) Any violation of subsection (2) is an unfair and
183 deceptive trade practice actionable under part II of this
184 chapter solely by the department against a social media
185 platform. If the department has reason to believe that a social

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186 media platform is in violation of subsection (2), the
187 department, as the enforcing authority, may bring an action
188 against such platform for an unfair or deceptive act or
189 practice. For the purpose of bringing an action pursuant to this
190 section, ss. 501.211 and 501.212 do not apply. In addition to
191 other remedies under part II of this chapter, the department may
192 collect a civil penalty of up to \$50,000 per violation.

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

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

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

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

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210 business in this state and is therefore subject to the
211 jurisdiction of the courts of this state.

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

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

217 (9) The department may adopt rules to implement this

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

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221 Between lines 16 and 17, insert:
222 providing that if a social media platform allows an
223 account holder to use such platform, the parties have
224 entered into a contract;

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