

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Eskamani offered the following:

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

4 Remove lines 109-228 and insert:

5 (2) Beginning July 1, 2024, a social media platform shall
6 prohibit an account holder in the state who is a minor from
7 having access to his or her account during the hours of 10:30
8 p.m. through 6:30 a.m.

9 (3) A social media platform shall do all of the following:

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

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14 account. The reasonable age verification method must be
15 conducted by a nongovernmental, independent, third-party not
16 affiliated with the social media platform.

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

22 (b) For existing accounts:

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

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

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

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

37 (c) If the social media platform allows minors younger
38 than 18 years of age to create an account on the platform, the

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39 platform must include a clearly labeled, conspicuous, and
40 readily accessible link on its Internet homepage or platform
41 login page that:

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

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

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

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

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

58 e. The methodology the social media platform uses to
59 consider the best interests of platform users who are younger
60 than 18 years of age when designing, developing, and providing
61 services.

62 f. The policies and protections the social media platform
63 uses to protect platform users who are younger than 18 years of

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64 age against harmful behaviors, such as bullying, harassment, and
65 threats of violence or self-harm.

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

74 2. Provides clear access to the following:

75 a. Zip code-based references to local resources for law
76 enforcement, suicide prevention, and domestic violence
77 prevention services.

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

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

84
85 This application may be harmful to your mental health
86 and may use design features that have addictive
87 qualities or present unverified information or that
88 may be manipulated by [insert platform name] or others

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89 for your viewing. This application may also collect
90 your personal data to further manipulate your viewable
91 content and may share your personal data with others.

92
93 (4) Any violation of subsection (3) is an unfair and
94 deceptive trade practice actionable under part II of this
95 chapter solely by the department against a social media
96 platform. If the department has reason to believe that a social
97 media platform is in violation of subsection (3), the
98 department, as the enforcing authority, may bring an action
99 against such platform for an unfair or deceptive act or
100 practice. For the purpose of bringing an action pursuant to this
101 section, ss. 501.211 and 501.212 do not apply. In addition to
102 other remedies under part II of this chapter, the department may
103 collect a civil penalty of up to \$50,000 per violation.

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

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

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

115 (7) For purposes of bringing an action in accordance with
116 subsections (4) and (5), a social media platform that allows a
117 Florida minor younger than 16 years of age to create an account
118 on such platform is considered to be both engaged in substantial
119 and not isolated activities within this state and operating,
120 conducting, engaging in, or carrying on a business, and doing
121 business in this state and is therefore subject to the
122 jurisdiction of the courts of this state.

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

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

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

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Remove line 5 and insert:

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minors from accessing their accounts between certain

132

hours, to terminate

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