

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

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

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

34 (d) "Social media platform:"

35 1. Means an online forum offered by an entity that has the
 36 ability to track the activity of an account holder or user, if
 37 the online forum allows the account holder or user to do all of
 38 the following:

39 a. Create or use a profile, account, or other form of
 40 identification.

41 b. Upload content or view the content or activity of other
 42 account holders.

43 c. Interact with or track other account holders or users.

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

46 a. Electronic mail.

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

51 c. A streaming service that provides only licensed media
52 in a continuous flow from the service, website, or application
53 to the end user and does not obtain a license to the media from
54 a user or account holder by agreement to its terms of service.

55 d. News, sports, entertainment, or other content that is
56 preselected by the provider and not user generated, and any
57 chat, comment, or interactive functionality that is provided
58 incidental to, directly related to, or dependent upon provision
59 of the content.

60 e. Online shopping or e-commerce, if the interaction with
61 other users or account holders is generally limited to the
62 ability to upload a post and comment on reviews or display lists
63 or collections of goods for sale or wish lists, or other
64 functions that are focused on online shopping or e-commerce
65 rather than interaction between users or account holders.

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

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

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

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

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

83 k. Business to business software.

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

87 m. Shared document collaboration.

88 n. Cloud computing services, which may include cloud
89 storage and shared document collaboration.

90 o. To provide access to or interacting with data
91 visualization platforms, libraries, or hubs.

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

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

97 r. Academic, scholarly, or genealogical research where the
98 majority of the content that is posted or created is posted or
99 created by the provider of the online service, website, or
100 application and the ability to chat, comment, or interact with

101 other users is directly related to the provider's content.

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

106 (I) A learning management system;

107 (II) A student engagement program; and

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

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

110 (a) Prohibit a minor who is younger than 16 years of age
111 from creating a new account on the social media platform.

112 (b)1. Use reasonable age verification methods to verify
113 the age of each account holder on the social media platform at
114 the time a new account is created. If an account holder fails to
115 verify his or her age, the social media platform must deny the
116 account. The reasonable age verification method must be
117 conducted by a nongovernmental, independent, third-party not
118 affiliated with the social media platform.

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

124 (c) For existing accounts:

125 1. Terminate any account that is reasonably known by the

126 social media platform to be held by a minor younger than 16
127 years of age and provide a minimum of 90 days for an account
128 holder to dispute such termination by verifying his or her age.

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

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

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

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

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

150 a. The content moderation policies the social media

151 platform uses for content on the platform.

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

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

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

160 e. The methodology the social media platform uses to
161 consider the best interests of platform users who are younger
162 than 18 years of age when designing, developing, and providing
163 services.

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

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

176 2. Provides clear access to the following:

177 a. Zip code-based references to local resources for law
178 enforcement, suicide prevention, and domestic violence
179 prevention services.

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

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

186
187 This application may be harmful to your mental health
188 and may use design features that have addictive
189 qualities or present unverified information or that
190 may be manipulated by [insert platform name] or others
191 for your viewing. This application may also collect
192 your personal data to further manipulate your viewable
193 content and may share your personal data with others.

194
195 (3) Any violation of subsection (2) is an unfair and
196 deceptive trade practice actionable under part II of this
197 chapter solely by the department against a social media
198 platform. If the department has reason to believe that a social
199 media platform is in violation of subsection (2), the
200 department, as the enforcing authority, may bring an action

201 against such platform for an unfair or deceptive act or
202 practice. For the purpose of bringing an action pursuant to this
203 section, ss. 501.211 and 501.212 do not apply. In addition to
204 other remedies under part II of this chapter, the department may
205 collect a civil penalty of up to \$50,000 per violation.

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

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

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

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

225 (7) This section does not preclude any other available

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226 | remedy at law or equity.

227 | (8) The department may adopt rules to implement this
228 | section.

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