



239384

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2024	.	
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The Committee on Judiciary (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 501.1736, Florida Statutes, is created
to read:

501.1736 Social media use for minors.-

(1) As used in this section, the term:

(a) "Account holder" means a resident of this state who
opens an account or creates a profile or is permitted to use any
other form of identification to use or access a social media



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12 platform.

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

14 (c) "Reasonable age verification method" means any
15 commercially reasonable method regularly used by government
16 agencies or businesses for the purpose of age and identity
17 verification.

18 (d) "Social media platform:"

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

21 a. Allows the social media platform to track the activity
22 of the account holder.

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

25 c. Allows an account holder to interact with or track other
26 account holders.

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

31 e. Allows the utilization of information derived from the
32 social media platform's tracking of the activity of an account
33 holder to control or target at least part of the content offered
34 to the account holder.

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

37 a. Electronic mail.

38 b. Direct messaging consisting of text, photos, or videos
39 that are sent between devices by electronic means where messages
40 are shared between the sender and the recipient only, visible to



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41 the sender and the recipient, and are not posted publicly.
42 c. A streaming service that provides only licensed media in
43 a continuous flow from the service, website, or application to
44 the end user and does not obtain a license to the media from a
45 user or account holder by agreement to its terms of service.
46 d. News, sports, entertainment, or other content that is
47 preselected by the provider and not user generated, and any
48 chat, comment, or interactive functionality that is provided
49 incidental to, directly related to, or dependent upon provision
50 of the content.
51 e. Online shopping or e-commerce, if the interaction with
52 other users or account holders is generally limited to the
53 ability to upload a post and comment on reviews or display lists
54 or collections of goods for sale or wish lists, or other
55 functions that are focused on online shopping or e-commerce
56 rather than interaction between users or account holders.
57 f. Interactive gaming, virtual gaming, or an online
58 service, that allows the creation and uploading of content for
59 the purpose of interactive gaming, edutainment, or associated
60 entertainment, and the communication related to that content.
61 g. Photo editing that has an associated photo hosting
62 service, if the interaction with other users or account holders
63 is generally limited to liking or commenting.
64 h. A professional creative network for showcasing and
65 discovering artistic content, if the content is required to be
66 non-pornographic.
67 i. Single-purpose community groups for public safety if the
68 interaction with other users or account holders is generally
69 limited to that single purpose and the community group has



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70 guidelines or policies against illegal content.

71 j. To provide career development opportunities, including
72 professional networking, job skills, learning certifications,
73 and job posting and application services.

74 k. Business to business software.

75 l. A teleconferencing or videoconferencing service that
76 allows reception and transmission of audio and video signals for
77 real time communication.

78 m. Shared document collaboration.

79 n. Cloud computing services, which may include cloud
80 storage and shared document collaboration.

81 o. To provide access to or interacting with data
82 visualization platforms, libraries, or hubs.

83 p. To permit comments on a digital news website, if the
84 news content is posted only by the provider of the digital news
85 website.

86 q. To provide or obtain technical support for a platform,
87 product, or service.

88 r. Academic, scholarly, or genealogical research where the
89 majority of the content that is posted or created is posted or
90 created by the provider of the online service, website, or
91 application and the ability to chat, comment, or interact with
92 other users is directly related to the provider's content.

93 s. A classified ad service that only permits the sale of
94 goods and prohibits the solicitation of personal services or
95 that is used by and under the direction of an educational
96 entity, including:

97 (I) A learning management system;

98 (II) A student engagement program; and



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

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

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

104 (b)1. Use reasonable age verification methods to verify the
105 age of each account holder on the social media platform at the
106 time a new account is created. If an account holder fails to
107 verify his or her age, the social media platform must deny the
108 account. The reasonable age verification method must be
109 conducted by a nongovernmental, independent third party that is
110 not affiliated with the social media platform and is organized
111 under the laws of a state of the United States and has its
112 principal place of business in a state of the United States.

113 2. Personal identifying information used to verify age may
114 not be retained once the age of an account holder or a person
115 seeking an account has been verified. Any personal identifying
116 information collected to verify age may not be used for any
117 other purpose.

118 (c) For existing accounts:

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

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

126 3. Allow the confirmed parent or guardian of an account
127 holder younger than 16 years of age to request the minor's



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128 account be terminated. Termination must be effective within 10
129 business days after such request.

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

133 (3) Any violation of subsection (2) is an unfair and
134 deceptive trade practice actionable under part II of this
135 chapter solely by the department against a social media
136 platform. If the department has reason to believe that a social
137 media platform is in violation of subsection (2), the
138 department, as the enforcing authority, may bring an action
139 against such platform for an unfair or deceptive act or
140 practice. For the purpose of bringing an action pursuant to this
141 section, ss. 501.211 and 501.212 do not apply. In addition to
142 other remedies under part II of this chapter, the department may
143 collect a civil penalty of up to \$50,000 per violation.

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

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

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

155 (6) For purposes of bringing an action in accordance with
156 subsections (3) and (4), a social media platform that allows a



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157 Florida minor younger than 16 years of age to create an account
158 on such platform is considered to be both engaged in substantial
159 and not isolated activities within this state and operating,
160 conducting, engaging in, or carrying on a business, and doing
161 business in this state and is therefore subject to the
162 jurisdiction of the courts of this state.

163 (7) If a social media platform allows the account holder to
164 use the social media platform, the parties have entered into a
165 contract.

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

168 (9) The department may adopt rules to implement this
169 section.

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

171
172 ===== T I T L E A M E N D M E N T =====

173 And the title is amended as follows:

174 Delete everything before the enacting clause
175 and insert:

176 A bill to be entitled
177 An act relating to social media use for minors;
178 creating s. 501.1736, F.S.; providing definitions;
179 requiring social media platforms to prohibit certain
180 minors from creating new accounts, to terminate
181 certain accounts and provide additional options for
182 termination of such accounts, and to use reasonable
183 age verification methods to verify the ages of account
184 holders; authorizing the Department of Legal Affairs
185 to bring actions for violations under the Florida



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186 Deceptive and Unfair Trade Practices Act; providing
187 penalties; providing for private causes of actions;
188 providing that certain social media platforms are
189 subject to the jurisdiction of state courts; providing
190 that if a social media platform allows an account
191 holder to use such platform, the parties have entered
192 into a contract; providing construction; authorizing
193 the department to adopt rules; providing an effective
194 date.