

By Senator Grall

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1 A bill to be entitled  
2 An act relating to age verification for social media  
3 platform accounts; creating s. 501.1736, F.S.;  
4 defining terms; requiring social media platforms to  
5 prohibit certain minors from creating new accounts,  
6 use reasonable age-verification methods to verify the  
7 ages of account holders, to terminate certain accounts  
8 and provide additional options for termination of such  
9 accounts, and to disclose specified policies and  
10 provide specified resources, measures, and  
11 disclaimers; authorizing the Department of Legal  
12 Affairs to bring actions for violations under the  
13 Florida Deceptive and Unfair Trade Practices Act;  
14 providing penalties; providing for private causes of  
15 actions; providing that certain social media platforms  
16 are subject to the jurisdiction of state courts;  
17 providing construction; authorizing the department to  
18 adopt rules; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Section 501.1736, Florida Statutes, is created  
23 to read:

24 501.1736 Age verification for social media platform  
25 accounts.—

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

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

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

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

35 (d) "Social media platform":

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

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

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

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

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

47 a. E-mail.

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

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

56 d. News, sports, entertainment, or other content that is  
57 preselected by the provider and not user generated, and any  
58 chat, comment, or interactive functionality that is provided

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59 incidental to, directly related to, or dependent upon provision  
60 of the content.

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

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

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

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

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

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

84 k. Business-to-business software.

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

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- 88 m. Shared document collaboration.
- 89 n. Cloud computing services, which may include cloud  
90 storage and shared document collaboration.
- 91 o. To provide access to or interacting with data  
92 visualization platforms, libraries, or hubs.
- 93 p. To permit comments on a digital news website, if the  
94 news content is posted only by the provider of the digital news  
95 website.
- 96 q. To provide or obtain technical support for a platform,  
97 product, or service.
- 98 r. Academic, scholarly, or genealogical research where the  
99 majority of the content that is posted or created is posted or  
100 created by the provider of the online service, website, or  
101 application and the ability to chat, comment, or interact with  
102 other users is directly related to the provider's content.
- 103 s. A classified ad service that only permits the sale of  
104 goods and prohibits the solicitation of personal services or  
105 that is used by and under the direction of an educational  
106 entity, including:
- 107 (I) A learning management system;  
108 (II) A student engagement program; and  
109 (III) A subject or skill-specific program.
- 110 (2) A social media platform shall do all of the following:
- 111 (a) Prohibit a minor who is under 16 years of age from  
112 creating a new account on the social media platform.
- 113 (b) Use reasonable age-verification methods to verify the  
114 age of each account holder on the social media platform at the  
115 time a new account is created.
- 116 1. If an account holder fails to verify his or her age, the

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117 social media platform must deny the account. The reasonable age-  
118 verification method must be conducted by an independent, third  
119 party not affiliated with the social media platform.

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

125 (c) For existing accounts:

126 1. Terminate any account that is reasonably known by the  
127 social media platform to be held by a minor under 16 years of  
128 age, and provide a minimum of 90 days for an account holder to  
129 dispute such termination by verifying his or her age.

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

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

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

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

145 1. Disclose the following social media platform policies in

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146 a manner that is clearly, concisely, prominently, and  
147 understandably written using language suited to the age of users  
148 who are under 18 years of age likely to routinely access the  
149 platform without unrelated, confusing, or contradictory  
150 materials:

151 a. The content moderation policies the social media  
152 platform uses for content on the platform.

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

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

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

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

164 f. The policies and protections the social media platform  
165 uses to protect platform users who are under 18 years of age  
166 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 under 18 years of  
170 age, including personal identifiers, biometrics, and geolocation  
171 data. If such personal information is collected, the platform  
172 must disclose the type of personal information collected and the  
173 purpose of such collection. If such personal information is  
174 sold, the platform must disclose to whom the information is

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175 sold.

176 2. Provide 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, require platform users who are under 18 years of  
184 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  
191 others for your viewing. This application may also  
192 collect your personal data to further manipulate your  
193 viewable content and may share your personal data with  
194 others.

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

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204 section, ss. 501.211 and 501.212 do not apply. In addition to  
205 other remedies under part II of this chapter, the department may  
206 collect a civil penalty of up to \$50,000 per violation.

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

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

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

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

226 (7) This section does not preclude any other available  
227 remedy at law or equity.

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

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