

26 | to read:

27 | 501.1736 Social media use for minors.—

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

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

33 | (b) "Department" means the Department of Legal Affairs.

34 | (c) "Reasonable age verification method" means any
 35 | commercially reasonable method regularly used by government
 36 | agencies or businesses for the purpose of age and identity
 37 | verification.

38 | (d) "Social media platform:"

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

41 | a. Allows the social media platform to track the activity
 42 | of the account holder.

43 | b. Allows an account holder to upload content or view the
 44 | content or activity of other account holders.

45 | c. Allows an account holder to interact with or track
 46 | other account holders.

47 | d. Utilizes addictive, harmful, or deceptive design
 48 | features, or any other feature that is designed to cause an
 49 | account holder to have an excessive or compulsive need to use or
 50 | engage with the social media platform.

51 e. Allows the utilization of information derived from the
52 social media platform's tracking of the activity of an account
53 holder to control or target at least part of the content offered
54 to the account holder.

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

57 a. Electronic mail.

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

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

66 d. News, sports, entertainment, or other content that is
67 preselected by the provider and not user generated, and any
68 chat, comment, or interactive functionality that is provided
69 incidental to, directly related to, or dependent upon provision
70 of the content.

71 e. Online shopping or e-commerce, if the interaction with
72 other users or account holders is generally limited to the
73 ability to upload a post and comment on reviews or display lists
74 or collections of goods for sale or wish lists, or other
75 functions that are focused on online shopping or e-commerce

76 rather than interaction between users or account holders.

77 f. Interactive gaming, virtual gaming, or an online
78 service, that allows the creation and uploading of content for
79 the purpose of interactive gaming, edutainment, or associated
80 entertainment, and the communication related to that content.

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

84 h. A professional creative network for showcasing and
85 discovering artistic content, if the content is required to be
86 non-pornographic.

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

91 j. To provide career development opportunities, including
92 professional networking, job skills, learning certifications,
93 and job posting and application services.

94 k. Business to business software.

95 l. A teleconferencing or videoconferencing service that
96 allows reception and transmission of audio and video signals for
97 real time communication.

98 m. Shared document collaboration.

99 n. Cloud computing services, which may include cloud
100 storage and shared document collaboration.

101 o. To provide access to or interacting with data
 102 visualization platforms, libraries, or hubs.

103 p. To permit comments on a digital news website, if the
 104 news content is posted only by the provider of the digital news
 105 website.

106 g. To provide or obtain technical support for a platform,
 107 product, or service.

108 r. Academic, scholarly, or genealogical research where the
 109 majority of the content that is posted or created is posted or
 110 created by the provider of the online service, website, or
 111 application and the ability to chat, comment, or interact with
 112 other users is directly related to the provider's content.

113 s. A classified ad service that only permits the sale of
 114 goods and prohibits the solicitation of personal services or
 115 that is used by and under the direction of an educational
 116 entity, including:

117 (I) A learning management system;
 118 (II) A student engagement program; and
 119 (III) A subject or skill-specific program.

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

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

124 (b)1. Use reasonable age verification methods to verify
 125 the age of each account holder on the social media platform at

126 the time a new account is created. If an account holder fails to
127 verify his or her age, the social media platform must deny the
128 account. The reasonable age verification method must be
129 conducted by a nongovernmental, independent, third-party not
130 affiliated with the social media platform.

131 2. Personal identifying information used to verify age may
132 not be retained once the age of an account holder or a person
133 seeking an account has been verified. Any personal identifying
134 information collected to verify age may not be used for any
135 other purpose.

136 (c) For existing accounts:

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

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

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

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

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

156 1. Discloses the following social media platform policies
157 in a manner that is clearly, concisely, prominently, and
158 understandably written using language suited to the age of users
159 who are younger than 18 years of age likely to routinely access
160 the platform without unrelated, confusing, or contradictory
161 materials:

162 a. The content moderation policies the social media
163 platform uses for content on the platform.

164 b. Whether the social media platform uses or allows the
165 use of addictive design or deceptive pattern features, including
166 autoplay or infinite scroll.

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

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

172 e. The methodology the social media platform uses to
173 consider the best interests of platform users who are younger
174 than 18 years of age when designing, developing, and providing
175 services.

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

180 g. Whether the social media platform collects or sells
181 personal information of platform users who are younger than 18
182 years of age, including personal identifiers, biometrics, and
183 geolocation data. If such personal information is collected, the
184 platform must disclose the type of personal information
185 collected and the purpose of such collection. If such personal
186 information is sold, the platform must disclose to whom the
187 information is sold.

188 2. Provides clear access to the following:

189 a. Zip code-based references to local resources for law
190 enforcement, suicide prevention, and domestic violence
191 prevention services.

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

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

198
199 This application may be harmful to your mental health
200 and may use design features that have addictive

201 qualities or present unverified information or that
202 may be manipulated by [insert platform name] or others
203 for your viewing. This application may also collect
204 your personal data to further manipulate your viewable
205 content and may share your personal data with others.

206
207 (3) Any violation of subsection (2) is an unfair and
208 deceptive trade practice actionable under part II of this
209 chapter solely by the department against a social media
210 platform. If the department has reason to believe that a social
211 media platform is in violation of subsection (2), the
212 department, as the enforcing authority, may bring an action
213 against such platform for an unfair or deceptive act or
214 practice. For the purpose of bringing an action pursuant to this
215 section, ss. 501.211 and 501.212 do not apply. In addition to
216 other remedies under part II of this chapter, the department may
217 collect a civil penalty of up to \$50,000 per violation.

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

225 (b) A civil action for a claim under this subsection must

226 be brought within 1 year after the violation.

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

229 (6) For purposes of bringing an action in accordance with
230 subsections (3) and (4), a social media platform that allows a
231 Florida minor younger than 16 years of age to create an account
232 on such platform is considered to be both engaged in substantial
233 and not isolated activities within this state and operating,
234 conducting, engaging in, or carrying on a business, and doing
235 business in this state and is therefore subject to the
236 jurisdiction of the courts of this state.

237 (7) If a social media platform allows the account holder
238 to use the social media platform, the parties have entered into
239 a contract.

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

242 (9) The department may adopt rules to implement this
243 section.

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