

A bill to be entitled  
 An act relating to social media use for minors;  
 creating s. 501.1736, F.S.; providing definitions;  
 requiring social media platforms to prohibit certain  
 minors from creating new accounts, to terminate  
 certain accounts and provide additional options for  
 termination of such accounts, to use reasonable age  
 verification methods to verify the ages of account  
 holders, and to disclose specified policies and  
 provide specified resources, measures, and  
 disclaimers; authorizing the Department of Legal  
 Affairs to bring actions for violations under the  
 Florida Deceptive and Unfair Trade Practices Act;  
 providing penalties; providing for private causes of  
 actions; providing that certain social media platforms  
 are subject to the jurisdiction of state courts;  
 providing construction; authorizing the department to  
 adopt rules; providing an effective date.

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

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:

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

HB1

2024

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 an independent, third-party not affiliated with the  
118 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

HB1

2024

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

HB1

2024

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.