

## **Alert** | Florida Government Law & Policy



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### **Florida Bills Consider Impacts of Social Media on Minors**

The Florida Legislature is considering several bills relating to the impacts of social media on minors. This issue is a high priority for Florida House Speaker Paul Renner.

#### **House Bill 1**

**House Bill 1** by Rep. Tyler Sirois (R-Merritt Island) relating to Social Media Use for Minors would require a social media platform to terminate any account that it reasonably knows is held by a minor younger than 16 years of age and would allow this account holder or confirmed parent or guardian to request to terminate the account. Additionally, it would require that all personal information held by the social media platform relating to the terminated account be permanently deleted unless other legal requirements are in place to maintain the information.

The bill provides that social media platforms that allow minors to create accounts must include a link on their homepage or login page that contains the following:

- Disclosure of use of allegedly addictive designs, deceptive patterns, and manipulative images.
- Informative resources on suicide prevention, domestic violence, law enforcement, and bullying.
- A reporting mechanism related to bullying, harassment, and threats of violence or self-harm.
- Whether the platform collects or sells personal information of children and, if so, to whom it is sold.

If a social media platform violates these requirements relating to minor users, the bill stipulates that it would be considered an unfair and deceptive trade practice actionable under the Florida Deceptive and Unfair Trade Practice Act and provides for a private cause of action.

### **Senate Bill 1196/House Bill 1129**

**Senate Bill 1196** and **House Bill 1129** by Sen. Blaise Ingoglia (R-Spring Hill) and Rep. Michelle Salzman (R-Cantonment) respectively are identical measures entitled Harm to Minors. The legislation would create a new Florida statute as follows:

*Filter Requirement:* Beginning Jan. 1, 2025, a manufacturer would be required to manufacture a device that, when activated in this state, automatically enables a filter preventing the user from accessing or downloading material that is harmful to minors and notifies the user of the device when the filter blocked the device from downloading an application or accessing an Internet website.

*Manufacturer Liability:* Beginning Jan. 1, 2025, a device manufacturer would be subject to civil and criminal liability if the device did not, upon activation, enable a filter that complied with the requirements described in the bill and a minor accessed material considered harmful on the device.

*Individual Liability:* With the exception of a minor's parent or legal guardian, any person may be liable in a civil action for enabling the password to remove the filter on a device in the possession of a minor if the minor accessed content that was harmful to minors on the device.

*Proceedings by the Attorney General:* If the Attorney General has reason to believe a person violated or is violating this section, the Attorney General, acting in the public interest, could bring an action to recover from the alleged violator a civil penalty not to exceed \$5,000 per violation and not to exceed a total of \$50,000 in aggregate, as determined by the court. Additionally, the Attorney General could bring an action to recover from the alleged violator the Attorney General's reasonable expenses, investigative costs, and attorney fees.

*Civil Action by the Parent of Legal Guardian:* Any parent or legal guardian of a minor who accessed content that is harmful to minors in violation of this section could bring a private cause of action against a manufacturer that failed to comply with this section. A prevailing plaintiff could recover any of the following:

- Actual damages or, in the discretion of the court when actual damages are difficult to ascertain due to the nature of the injury, liquidated damages in the amount of \$50,000 for each violation.
- When a violation is found to be knowing and willful, punitive damages in an amount determined by the court.
- For a prevailing plaintiff, the collection of attorney fees against a violating manufacturer.

*Criminal Penalties:* Beginning Jan. 1, 2025, a person, with the exception of a parent or legal guardian, would not be permitted to enable the password to remove the filter on a device in the possession of a minor. A person who violates this provision would be subject to a fine not to exceed \$5,000 for a first offense and not to exceed \$50,000 for a second offense. However, a person who violated this provision for a second or subsequent time within one year of the first violation would have committed a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

## Senate Bill 1430/House Bill 207

Comparable legislation, [Senate Bill 1430](#) by Senate Minority Leader Lauren Book (D-Plantation) and [House Bill 207](#) by Rep. Michele Rayner (D-St. Petersburg) have been filed for consideration. The legislation, among other provisions, would require social media platforms to disclose their policies relating to content moderation, allegedly addictive design or deceptive pattern features, alleged manipulation of photographs or digital images to be shared on the platform, and policies and protections the platform uses to protect minors.

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