

January 17, 2024

Florida House Judiciary Committee
417 House Office Building
402 South Monroe Street
Tallahassee, FL 32399

Dear Committee Chairs and Members,

On behalf of the millions of taxpayers and consumers we represent, the Taxpayers Protection Alliance (TPA) urges you to reconsider HB 1, an act relating to social media use for minors. This legislation would violate clear Supreme Court precedent with broad age limitations on social media. While the goal of protecting children online is a noble one, this bill falls short in ways that are legally dubious.

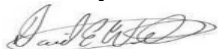
First, the constitutionality of age verification legislation remains – at best – highly questionable. In *NetChoice v. Griffin* (2023), a district court blocked a similar Arkansas bill requiring social media platforms to obtain age-verification and parental consent due to the high potential it unconstitutionally violated the First Amendment. According to the American Civil Liberties Union, “Individuals of all ages rely on social media for political speech, artistic expression, advocacy, access to the news, and more. Imposing unconstitutional age-verification requirements burdens users who may want to engage in anonymous speech, who do not have government ID, and who are otherwise concerned about their privacy and security. The legislation’s parental consent requirement would also impermissibly burden the First Amendment rights of young people, who are often at the forefront of movements, trends, and technologies.”¹

Further, giving government such power would have wide-ranging effects that will extend far beyond social media. In *Brown v. Entertainment and Merchant Association* (2011), Justice Scalia wrote for the majority, “It does not follow that the state has the power to prevent children from hearing or saying anything without their parents’ prior consent.” The possibilities for government overreach will not stop with online discourse. Future legislators may not be so well-intended. Present respect for constitutional restraints will go a long way towards preventing abuse in the future.

There is also an inherent issue with the narrative that social media is having devastating effects on children. Advocates for social media limitations like to assert this claim. However, the American Psychological Association concluded that “using social media is not inherently beneficial or harmful to young people. Adolescents’ lives online both reflect and impact their offline lives. In most cases, the effects of social media are dependent on adolescents’ own personal and psychological characteristics and social circumstances—intersecting with the specific content, features, or functions that are afforded within many social media platforms.”²

As the nation comes to grips with the reality of social media broadly, finding the right balance is difficult. However, HB 1 misses the mark in several ways that will ultimately harm Florida. It is for these reasons that TPA urges you to reconsider this legislation.

Sincerely,



David Williams
President

¹ <https://www.aclu.org/press-releases/judge-blocks-arkansas-law-that-would-have-placed-unconstitutional-age-verification-and-parental-consent-requirements-on-social-media-users>

² <https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use>