



The Freedom to Write

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February 5, 2024

Honorable Kathleen Passidomo
President, Florida Senate
404 S. Monroe Street
Tallahassee, FL 32399-1100

RE: PEN America's opposition to SB 1788: Age Verification for Social Media Platform Accounts

Dear President Passidomo:

As Director of the PEN America Florida office, I write to express PEN America's concern and opposition to SB 1788: Age Verification for Social Media Platform Accounts (SB1788). PEN America is a nonpartisan, nonprofit organization which stands at the intersection of literature and human rights to support free expression in the United States and worldwide. As currently proposed, SB1788 attempts to bar all minors under sixteen from social media sites. SB1788's sweeping exclusion of minors from social media sites and prohibiting their dissemination and receipt of information runs afoul of the First Amendment.

An open internet—free from government surveillance and censorship—is critical to modern freedom of expression. While the state has a strong interest in protecting minors from harm, “that does not include a free-floating power to restrict the ideas to which children may be exposed.” *Brown v. Ent. Merchants Ass'n*, 564 U.S. 786, 794 (2011). Minors enjoy significant First Amendment protections “and only in relatively narrow and well-defined circumstances may government bar public dissemination of protected materials to them.” *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 213 (1975).

The restrictions in SB1788 are incredibly broad. The complete prohibition of minors under the age of sixteen from social media sites is not narrowly crafted to address the potential harm they may encounter on social media sites and instead prohibits minors from sharing and engaging in a wide swath of constitutionally protected speech.

There is little debate that social media sites can present significant risks to minors, but the state's response to such risks should be tailored to minimize harm, not enacting sweeping measures that present significant

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First Amendment concerns. The breadth of this bill risks significant harm to Florida's youth: They could lose connection with their family and peers, platforms to express themselves and their creativity, the opportunity to share their achievements and celebrate those of others, access to educational resources and information, support and resources in times of crisis; opportunities to network that can catalyze future careers; or access to news and information about current and historical events. These risks are especially acute for LGBTQ+ youth in Florida, who often rely on social media sites for access to community, resources, and support.

Surely the Florida legislature can achieve its laudable desire to protect minors from harm on social media sites in a manner that does not sweep so broadly, restrict so much expression, and cause so much disruption to Florida youths' lives and social engagement and expression.

I urge the Florida legislature to reject SB1788 based on its First Amendment infringements on Florida minors' right to free speech and expression.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Blankenship". The signature is fluid and cursive, with a large loop at the end.

Katie Blankenship

Cc: Members of the Florida Senate