



FOSI Briefs the States: Engaging Florida on the Future of Online Safety Policy

Florida has emerged as an ambitious state for online safety legislation. Over the past few years, the Sunshine State has worked to implement a comprehensive approach to protecting children online: requiring digital media literacy education in schools, restricting social media access for children under 14, mandating parental consent for 14-15 year olds, and banning cellphones in classrooms. Now, as Florida grapples with the next frontier, whether or not to implement the state's [AI Bill of Rights](#) (SB 482) and age assurance requirements across technologies, the FOSI team, represented by our Policy Director, Andrew Zack, and State Policy Lead, Marissa Edmund, brought their expertise directly to Tallahassee.

Why Florida Matters

Florida's policy posture signals where the national conversation on child online safety is heading. When Florida acts, other states pay attention. With a Republican governor championing state-level AI regulation, even in the face of the [Trump administration's federal preemption push](#), Florida represents a model of how bipartisan child safety concerns may outweigh partisan politics.

The challenge ahead will be how to bridge the gap between legislative intent and enforceable law. Governor DeSantis announced his AI Bill of Rights in December 2025 with bold rhetoric about not "[turning it all over to machines.](#)" Yet nearly two months into the 2026 legislative session, the fate of SB 482 is still uncertain. While the Senate has moved swiftly to advance the measure, the House companion bill has stalled in committee. This reflects the familiar tension between executive initiative and the legislative process.

During FOSI's time in Tallahassee, we heard lawmakers wrestling with fundamental questions:

- How do you verify ages without creating a surveillance infrastructure that undermines the privacy you are trying to protect?
- Can states regulate AI when the federal government is threatening preemption?
- What happens when well-intentioned legislation collides with constitutional constraints?

These are the practical realities of regulating children's online safety across the states. Our policy team shared evidence-based insights from FOSI's years of work at the intersection of technology, policy, and [research](#). In Andrew's testimony before the Senate Commerce and Tourism Committee on age assurance and the App Store Accountability Act, he emphasized:

- **Multiple Age Assurance Pathways:** The bill identifies app stores as one location for age determination, but flexibility matters. Age assurance can occur at multiple levels: operating systems, devices, individual apps, web browsers, or app stores. Policymakers should be thoughtful about which level they want to focus on, and should allow companies and users to have options rather than mandating a single checkpoint. The bill's requirement for app stores to update age ratings is particularly valuable, as major app stores have needed these long-overdue improvements.
- **Strong Privacy Protections with Use Limitations:** The bill includes critical data privacy restrictions, ensuring age assurance data must only be used for age assurance purposes, not sold or used for marketing. While data storage remains a necessary consideration, clear use limitations are essential. The bill also limits how frequently app developers can request age information, which is an important privacy safeguard that reduces unnecessary data collection.
- **Age Assurance vs. Age Verification - Not One-Size-Fits-All:** Age assurance is the broad term encompassing a range of processes: age verification (e.g. photo ID), age estimation (e.g. biometric analysis), and self-declaration. Age verification should not be broadly applied across the entire internet, as different platforms present different risks requiring proportional responses. A weather app or calculator needs minimal or no age assurance, while high-risk platforms

warrant stronger measures. This is about balancing safety with privacy, invasiveness with effectiveness.

In our visits to key legislative offices, Marissa shared;

- [FOSI's research on Generative AI](#), highlighting the percentage of young people using Gen-AI frequently, as well as those with concerns about loss of critical thinking skills and the impacts on future generations.
- High level thoughts on the AI Bill of Rights (SB 482). It is a comprehensive framework addressing child safety, parental rights, consumer protection, and national security concerns around AI technology. Some aspects of the bill, such as empowering parents and baseline user protections, offer benefits to families, while others like limitations on foreign technology raise legal questions about one state regulating in the national security space. While we see the benefit of a national baseline standard (for all online safety policies, including AI), we cannot have federal level preemption if there is no actual comprehensive AI bill that Congress is even considering. (More on SB 482 below)
- Expert insight on AI companion chatbots, including the differences between: general use, therapy, and companion. Florida's bill indicates "timely" notifications to parents when the minor expresses self harm. Timeliness is critical in these situations, and "timely" should be clearly defined so that platforms have a uniform understanding of what it means.

Three Policy Challenges from Florida's Online Safety Discussions

1. Age Verification vs. Age Assurance

Our discussions revealed significant conflict on age determination methodologies, a distinction with profound implications for both policy effectiveness and constitutional viability.

Age verification: (Texas/Utah/Louisiana model) confirms actual ages through government IDs, credit cards, or biometrics. It offers greater precision but introduces privacy concerns through collection of sensitive personal information, creates security vulnerabilities through centralized identity databases, and faces heightened constitutional scrutiny ([Texas's law was blocked in December 2025](#)).

Age assurance ([California's AB 1043](#)) uses self-attestation and existing account signals to estimate age categories. It sacrifices some precision but substantially reduces privacy intrusion, minimizes data collection requirements, and appears more likely to withstand constitutional challenge.

2. Access Control vs. Platform Design

Florida is considering app store accountability legislation requiring Apple and Google to verify a user's age before a user can download an app. While this creates a single verification checkpoint, it misses the fundamental question: does access control address the actual sources of harm? Requiring parental consent to download a social media app like Instagram does not alter Instagram's design once installed. It does not disable algorithmic feeds, prevent behavioral advertising, or restrict AI features that risk forming parasocial relationships with young users.

Other states are targeting design directly: Connecticut addresses algorithmic content delivery, Washington prohibits emotionally manipulative engagement techniques, and Vermont establishes default privacy settings and restricts dark patterns. Substantive protection requires regulating platform design and data practices, not just controlling access.

3. Federal Preemption Challenge

Governor DeSantis is constitutionally correct that [Executive Orders](#) cannot preempt state law, only Congress holds that power. Yet Florida legislators face a practical dilemma: the Trump administration's AI Litigation Task Force signals immediate legal challenges to state AI regulation. For lawmakers weighing resource allocation and

political capital, the prospect of enacting legislation that faces immediate judicial challenge presents a genuine strategic concern.

The question Florida policymakers must consider is whether federal preemption threats should paralyze state regulation. States possess enduring constitutional authority to protect children within their borders, authority that has withstood numerous legal challenges across varied policy domains.

A Review of SB 482: Florida's Strategic Approach

1. Learning From Other States' Legal Challenges

Florida has the benefit of watching other states serve as "laboratories of democracy" and learning from their legal challenges. By studying which state laws survived court challenges (Vermont's Age-Appropriate Design Code, California's age assurance model) and which were struck down (Texas, Arkansas, Ohio social media laws), Florida can craft more constitutionally durable legislation. This reduces the risk of investing significant political capital in laws that get immediately enjoined, and increases the likelihood that Florida's AI regulations could be implemented as opposed to indefinitely stalled in court.

Florida's approach to AI regulation reflects why similar legislation failed elsewhere. California's Age-Appropriate Design Code was blocked due to content-based restrictions; Texas's app store law was enjoined for First Amendment violations; multiple states' social media bans failed constitutional scrutiny. Florida appears to be crafting SB 482 with these lessons in mind, focusing on chatbot-specific provisions (a narrower scope), requiring disclosures and parental notifications (transparency over bans), and targeting design features rather than content moderation.

2. Comprehensive, Multi-Layered Approach To Child Online Safety

Florida has avoided single-issue policymaking by addressing children's online safety through multiple interconnected policies rather than relying on one silver bullet solution. Over the past few years, the state has enacted digital media literacy education requirements, social media age restrictions (under 14 banned, 14-15 requiring parental consent), and school cell phone bans. Now, with SB 482, Florida is

tackling AI-specific harms by addressing companion chatbots, parental notifications for self-harm expressions, and prohibitions on sexually explicit AI interactions with minors.

This layered strategy recognizes that online harms have multiple dimensions: access, platform design, learning, and innovation. Rather than choosing between education or restriction or design regulation, Florida is tackling all three simultaneously which creates a broader defense against digital harms. The bill also considers that different digital risks require tailored interventions, such as age restrictions to address access, while chatbot regulations focus on design and content.

3. Top-Down Leadership on Technology Regulation

The support of executive leadership provides political cover for legislators navigating constituent concerns, industry lobbying, and federal preemption threats. When a governor publicly champions a cause, especially a Republican governor addressing technology policy during a Republican administration's federal preemption push, it signals to legislators that voting for the bill is both politically acceptable and aligned with state party leadership's expectations. This top-down leadership complements bottom-up constituent pressure, which has created momentum that other legislative efforts often lack.

Governor DeSantis' public announcement of an AI Bill of Rights in December 2025, before legislation was even filed, demonstrates a willingness to lead on complex, politically uncertain technology regulation. By framing AI regulation as a means of protecting Floridians from an "age of darkness and deceit," Gov. DeSantis has created political space for legislators to act without being labeled anti-innovation.

4. Regulate Platform Design, Not Just Access Control

It is important to move beyond app store accountability legislation to address the root sources of harm. While app store level age verification has political appeal, it does not change how platforms are engineered to interact with young users once installed. Florida can consider regulating platform design directly: such as banning targeted advertising to minors based on behavioral profiling, and building safety measures into platforms by requiring default privacy settings for minor accounts and letting families choose chronological content or a personalized, algorithmic feed. These measures

address specific harms, design practices, data collection, and manipulative techniques, rather than simply controlling access.

Florida is working hard to be a leader in online safety policy, and there was plenty of substance to discuss on FOSI's trip to Tallahassee. As with most ambitious legislative efforts in this space, there are many things to like and still some remaining questions to iron out. From age assurance to a comprehensive approach on AI to media literacy in schools and parental permission to access social media, we'll continue to highlight and engage with the state leaders prioritizing online safety policies in Florida and around the country.