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IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR GLADES COUNTY, FLORIDA

OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS,

CIVIL DIVISION
CASE NO.:

Plaintiff,

v.

DISCORD INC.,

Defendant.
_____/

COMPLAINT

1. Predators seeking to abuse Florida children love Discord.

2. An 11-year-old girl was groomed to exchange sexually explicit images and videos with a 19-year-old man before being sexually assaulted and kidnapped. The platform that facilitated the abuse? Discord.

3. An 11-year-old boy was groomed to perform sexual acts on video for a 29-year-old man who threatened to kill him. The platform that facilitated the abuse? Discord.

4. A 13-year-old boy was groomed by a 45-year-old man to exchange nude images and engage in sexual acts. The platform that facilitated it? Discord.

5. A 14-year-old girl was groomed, sexually abused, and kidnapped by a 29-year-old man who compelled her to produce child pornography and cut part of his online username into her skin. Discord once again.

6. A 16-year-old girl kidnapped, drugged, and repeatedly physically and sexually abused by a 40-year-old man and 21-year-old woman. Discord.

7. A 24-year-old woman who exchanged nude photos and explicit drawings with her minor students. Discord.

8. A 26-year-old man enticing children to send him sexually explicit images and videos. Discord again.

9. A 60-year-old man grooming minors to send him graphic and degrading sexual images of themselves. Discord.

10. That these heinous acts, and so many more, were facilitated by Discord is no accident. Discord entices children on its platform by marketing itself, directly to children and their parents, as a safe and fun way for kids to communicate with their friends online. But Discord did not deliver on its promises. Instead, Discord, for years, designed and operated its platform without serious safety features for children. These failures harmed Florida's children and violated Florida law. Indeed, the Attorney General has received multiple complaints from Florida families reporting serious harm caused by Discord's platform.

11. In recent weeks—and many months after the Attorney General opened an investigation into Discord—the company announced it would make some changes to its platform to enhance child safety. That late-breaking and insufficient announcement cannot undo the harm already caused in violation of Florida law; nor will it fully remedy the problem going forward.

12. The Attorney General brings this action to stop Discord's unlawful practices, obtain injunctive relief, and recover civil penalties and appropriate statutory relief through the Attorney General's statutory enforcement authority under Florida state law.

PARTIES

13. The Office of the Attorney General, State of Florida, Department of Legal Affairs ("Attorney General") is authorized to enforce the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA") under § 501.203(2), Fla. Stat., and to bring this action for injunctive relief, civil penalties, and other statutory relief under §§ 501.207 and 501.2075, Fla. Stat. The Attorney General is also authorized to enforce § 501.1735, Fla. Stat., public nuisance law, and to bring common law negligence claims.

14. The Attorney General has reviewed the matters alleged in this Complaint under § 501.206, Fla. Stat., and determined that an enforcement action serves the public interest as required by § 501.207(2), Fla. Stat.

15. Defendant Discord Inc. ("Discord") is a Delaware corporation with its principal place of business at 444 De Haro Street, Suite 200, San Francisco, California 94107. Discord owns and operates the Discord application, which is a social media platform that provides real-time voice, video, and text communication services. The application is available to consumers across multiple devices and platforms, including web browsers, mobile phones and tablets, and gaming consoles. Discord regularly solicits and conducts business in Florida by offering for sale, and selling, its

subscription plans ("Nitro" and "Nitro Basic") to Florida consumers, including parents and children.

JURISDICTION AND VENUE

16. This is an action for injunctive relief, consumer restitution, civil penalties, attorney's fees and costs, and other statutory and equitable relief against Discord under FDUTPA, § 501.1735(4)(a), Fla. Stat., negligence, negligent misrepresentation, and public nuisance.

17. The Attorney General seeks relief in an amount greater than fifty thousand dollars ($50,000), exclusive of fees and costs.

18. Discord's statutory violations occurred in or affect more than one judicial circuit in the State of Florida, including the Twentieth Judicial Circuit for Glades County, Florida.

19. This Court has subject-matter jurisdiction over this matter.

20. Venue is proper in the Twentieth Judicial Circuit for Glades County, Florida, under § 47.051, Fla. Stat., because the causes of action arose, in substantial part, in this Circuit and throughout Florida. Discord has engaged in transactions in the State of Florida by offering its application to Florida residents, collecting and processing data, marketing to Florida parents and children, and causing injury to Florida minors and their families.

21. This Court has personal jurisdiction over Discord under Florida's long-arm statute, § 48.193(1)(a)(1), Fla. Stat., because Discord purposefully directs its activities towards Florida residents, including children, by operating and providing

access to its application in Florida; advertising and marketing its application to Florida parents and children; collecting data and payments from Florida users, including parents and children; offering for sale, and selling, its Nitro and Nitro Basic subscription plans to Florida consumers, including parents and children; and otherwise entering into terms-of-service agreements and electronic transactions in Florida.

22. This Court also has personal jurisdiction over Discord under § 501.1735(5), Fla. Stat., because Discord is an "online platform which operates an online service, product, game, or feature likely to be predominantly accessed by children and accessible by Florida children located in this state" and, therefore, "is considered to be both engaged in substantial and not isolated activities within this state and operating, conducting, engaging in, or carrying on a business, and doing business in this state."

23. Discord has engaged in continuous and systematic business contacts with Florida, including by distributing and furnishing its platform throughout Florida; maintaining user accounts for Florida residents; processing purchases made in Florida; accessing and processing children's personal data; selling Nitro and Nitro Basic subscriptions throughout Florida; and communicating with Florida parents and children about its application's features, safety settings, and policies. Discord intended for its platform to be available and used in Florida.

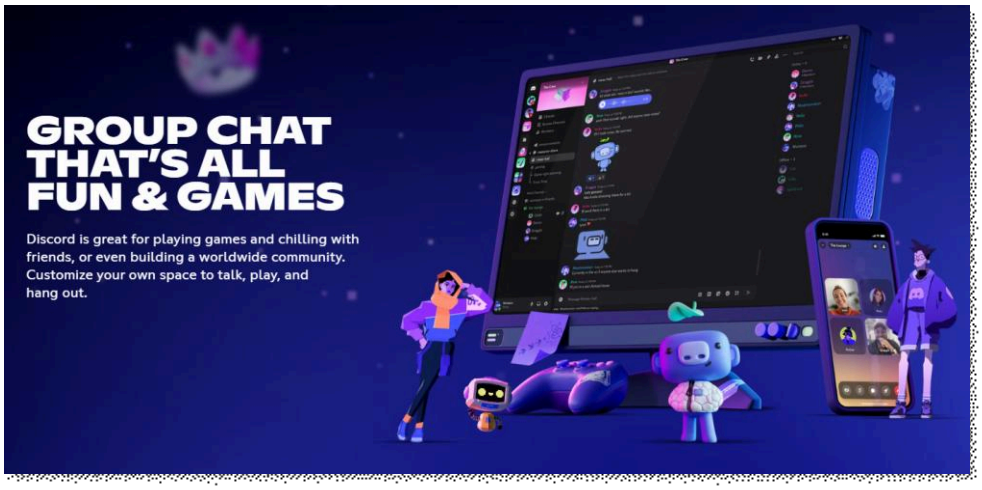
24. The conduct and violations of law described in this Complaint arise from Discord's conduct in Florida and its contacts with Florida consumers, including parents and children.

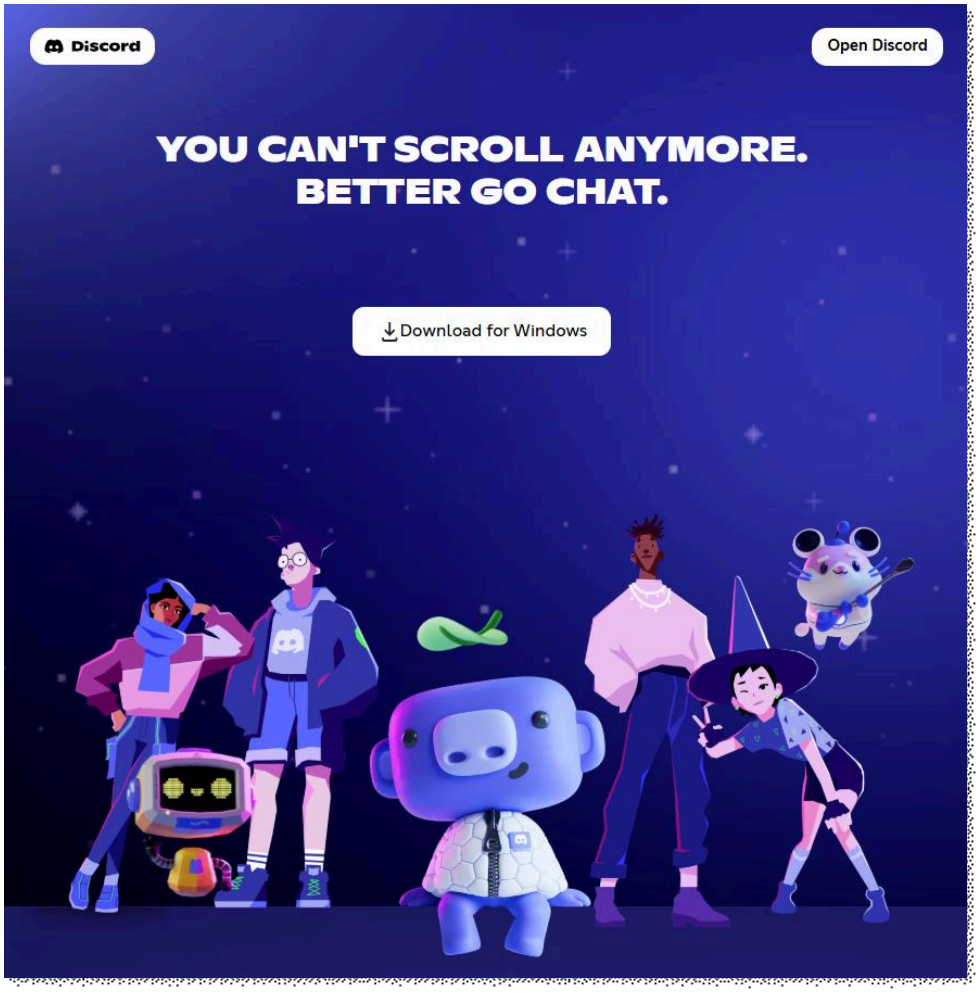
FACTUAL ALLEGATIONS

I. Discord Intentionally Lures Children to Its Application, Promising a Safe Platform for "Fun" Interactions

25. Discord launched in 2015 purportedly as a tool for chatting while playing video games. Since then, it has grown into a digital communication platform for users to communicate through text, voice, and video features in group and private spaces. With more than 90 million daily active users, Discord promotes its application as "all fun [and] games," "chilling with friends," and "building a worldwide community."

26. Discord designed its application to attract children. It markets itself directly to children, deploying graphics and slogans specifically meant to attract children. Discord sells itself as "the communications platform that enables you to build meaningful connections around the joy of playing games through voice, video, and text features." As Discord puts it, the application is "[g]roup chat that's all fun [and] games." Examples of Discord's child-focused advertising are below:


GROUP CHAT THAT'S ALL FUN & GAMES
Discord is great for playing games and chilling with friends, or even building a worldwide community. Customize your own space to talk, play, and hang out.


Discord
Open Discord
YOU CAN'T SCROLL ANYMORE.
BETTER GO CHAT.
Download for Windows

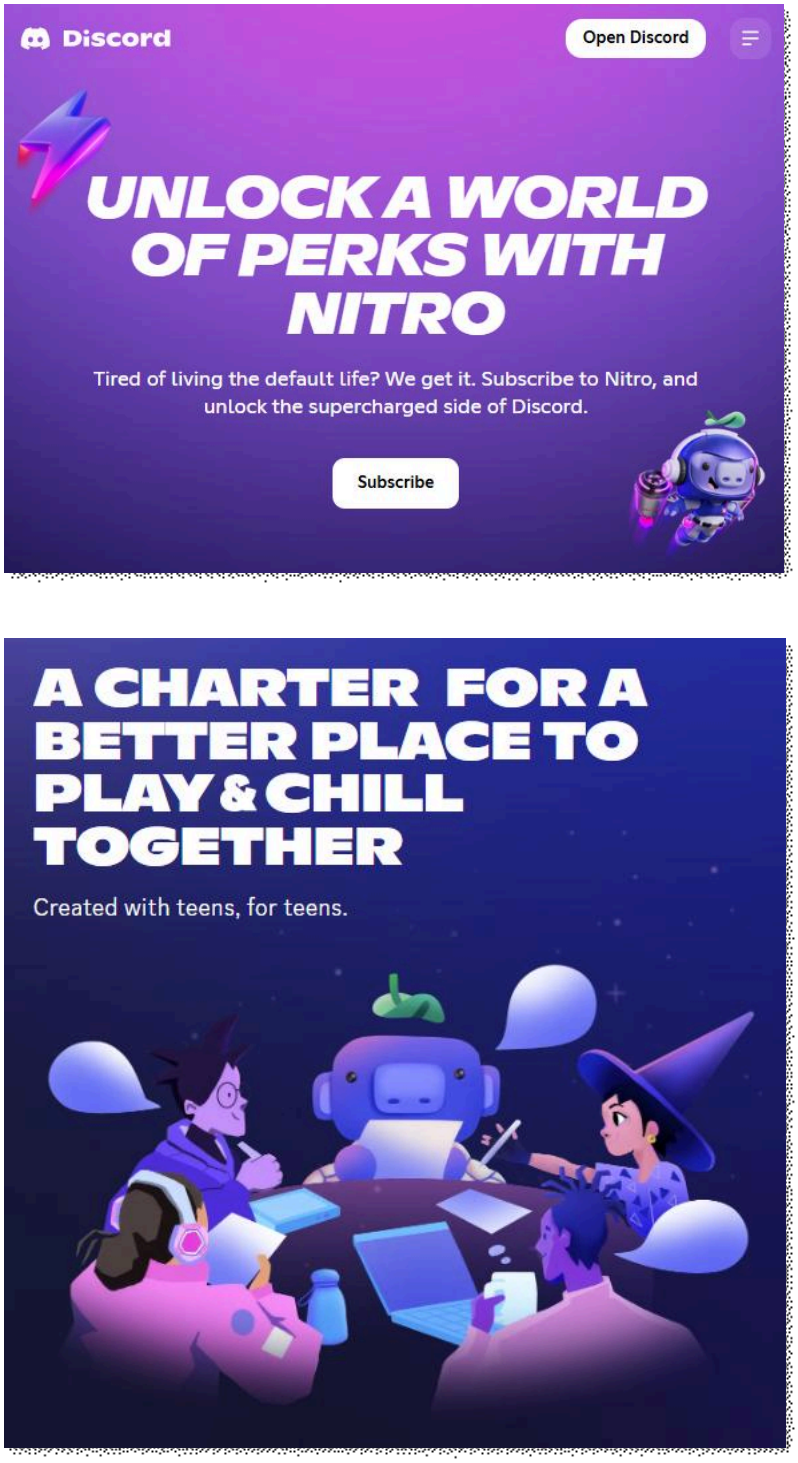


Figure 1: Discord's Website

27. Discord describes its service as an "awesome and easy" way "to find brand new communities full of new people focused around all sorts of different topics,

activities, and conversations!" Joining is "quick and easy," only requiring a child to create an account by providing an email address, personalized username, password, and date of birth. Children can then create unique personas on Discord with myriad profile customization tools, including avatar design, an "about me" section, status, profile badges and effects, and unique profiles per community. Children can also connect with friends and strangers on Discord "as easy as 1-2-3" by sending friend requests.

28. Given Discord's child-centric marketing, it is no surprise that the platform has become one of the most popular social applications among teenagers. As of February 2024, Discord reported approximately 2.7 million monthly active users under the age of 18 in the United States. And, on information and belief, thousands of Florida children use Discord's platform on a monthly basis. Discord has capitalized on these numbers by marketing to children with colorful cartoon characters and promises of a place for children to "hang[] out with friends in real time" and "be themselves," while assuring parents that it "help[s] teens have positive experiences on [the Discord] platform."

29. As explained more fully below, Discord enables children to interact with other users either privately or on "servers" organized around topics and interests. Servers are user-created and invitation-only virtual communities. These "customizable digital space[s]" allow "communities … [to] gather, communicate, and share content." Within a server, users can interact with each other through "text channels" or "voice channels." Text channels allow users to socialize by sending text

messages, files, GIFs, stickers, emojis, and gifts. Users can also react and respond to previously sent messages in a text channel. Voice channels allow users to interact through live voice or video chat and screensharing. Users can also send written messages within a voice channel.

30. The direct messaging feature allows children to interact privately one-on-one and in small groups with other users. Much like interactions in channels, users can use Discord's text, voice, video, and screensharing features to send direct messages with other users. Users do not need to add each other as friends to send or receive messages, but users are able to approve or ignore message requests from strangers.

31. Users can "supercharge[]" their experience through Discord's two-tier paid subscription service: Nitro for $9.99 per month or $99.99 per year and Nitro Basic for $2.99 per month or $29.99 per year. The subscription provides users additional customization tools, improved streaming quality, and other rewards and perks. Through the application's Shop, users can "purchase unique items, claim Nitro exclusives, or send gifts to friends," and Nitro members "enjoy exclusive Shop perks, including special discounts on select items," and "member-only profile items to use with their subscription." These subscription plans allow Discord to profit off children by enticing them to maximize their experience on the application.

32. Discord has been successful in its efforts to attract users to its application. Shifting its framing from "[c]hat for gamers" to "[a] new way to chat with your communities and friends," Discord experienced meteoric growth as the

application became the mainstream way for children "to socialize with other young people." In 2019, Discord reported 56 million active users on its platform. Discord now boasts "200+ million monthly active users worldwide spending 1.9 billion hours" on the application, and over 90 million daily active users.

33. Discord has profited greatly from its user growth, including child users. Although it is a private company whose financials are not fully disclosed, it is known that by December 2020, Discord had raised $120 million in investments and was valued at $6.90 billion. It also generated $130 million in revenue that year. In 2021, Discord ended negotiations to be acquired for $10 billion by Microsoft. Later that year, Discord reported raising an additional $500 million in investments and was valued at $14.5 billion.

II. Discord Misleads and Deceives Florida Children and Parents with False Promises of Safety on Its Platform

34. As part of its strategy to lure children to its platform, Discord promises children and parents in Florida that Discord is "committed to providing a safe, welcoming environment to teens." Discord claims to use a "safety by design" approach to its product design, "identify[ing] and mitigat[ing] potential safety risks … before [Discord] launch[es] a product into the market" rather than "waiting until after a product is launched."

35. Discord publicly professes: "Safety is at the core of everything we do" and "our responsibility." Discord also states: "When you don't have to think about protecting yourself, then we're doing our job." That promise, Discord claims, "is essential" to achieving its core "mission … to give everyone the power to find and

create belonging in their lives." So much so, Discord claims, that "[s]afety is and will remain part of the core product experience." Discord claims to "factor safety into everything we do as we design, build, launch, and manage a new product." And Discord pledges that it "invest[s] talent and resources towards safety efforts" and "make[s] [its] products safe spaces by design and default." Discord also claims to "take[] user safety seriously" by "provid[ing] features and services that are designed to help keep users safe."

36. Discord acknowledges that "[t]eens deserve to have a safe, welcoming space to explore their interests, connect with others, and find a place to belong." Discord states that its "goal is to help foster experiences that better support healthy interactions and experiences on Discord." It adds that it is "proud to be a space where teens want to be" and "recognize[s] the meaningful role Discord plays in teens' lives." Discord claims to "work[] to provide safer spaces that are shaped with teens in mind, and designed to help give them agency over their experience." To do so, it claims to have "made significant investments in creating a platform that offers age-appropriate experiences and promotes a safer experience for teens."

37. Discord also claims that "safety is integrated into every aspect of our product and policies." Discord defines safety as "protecting users" by "preventing them from anything that could cause harm," including "harassment, hateful conduct, unwanted interactions from others, inappropriate contact, violent and abusive imagery, violent extremism, misinformation, spam, fraud, scams, and other illegal behavior." As to teen users, Discord pledges to take their safety "seriously" and does

not "allow children under the age of 13 to have a Discord account" and "may prohibit children over the age of 13 from having a Discord account." Discord assures teens that "it's first and foremost [Discord's] responsibility to create positive experiences on Discord," pledging that "we have your back and work endlessly to keep you safe while protecting your privacy." It also pledges a "zero-tolerance policy towards individuals who engage in sexual grooming, extortion … [or] 'sextortion'[], or the sexual exploitation of minors." And it claims to not "tolerate any kind of text or media—real or generated—on [its] platform that portrays children in a sexual manner," acknowledging that "[t]his type of content causes serious harm to victims."

38. Discord's promises of safety were and are made to build trust among parents and children joining and using the application. Discord made these statements knowing children and parents in Florida would rely on them.

39. Discord's promises and statements about safety have proven to be false, to the detriment of Florida children lured into using Discord.

40. Discord executives have conceded that, despite the company's public promises about safety, Discord was, for many years, "not proactive at all" with its safety efforts on the application, particularly against child sexual abuse material ("CSAM"). But even after acknowledging this as an issue, CSAM on Discord increased by 474% from 2021 to 2022.

41. Discord long delayed deploying critical age-assurance features. Only in the past few weeks, after facing significant pressure from and investigations by regulators, did Discord finally announce age-assurance procedures.

42. Despite its promises, when faced with reports of harmful conduct or content, Discord implements a lax "approach to remediation … inspired by restorative justice": "when people break the rules, most of the time they deserve a chance to correct themselves and show that they've learned."

43. Indeed, from account initiation and platform use to content moderation and enforcement, Discord has built a flawed application centered on minimal safety settings, hands-off moderation, and lax rule enforcement. As a result, child predators and other bad actors have found a haven in Discord. So much so that "abusers that organized sextortion criminal networks … have been documented to use Discord to share tactics, recruit victims, and coordinate sextortion at a larger scale." Child predators similarly rely on Discord's platform to obtain CSAM from children and share and trade material with others. Using Discord's messaging, video calling, and small server features, predators will "gradually escalate conversations [with children], often requesting sexual content which can then be used to coerce or blackmail … children into further sexual abuse." Discord, however, ignores all that. It does "*not* scan all content in smaller spaces such as direct messages (DM), group chats, and small/non-community servers–for other violations of our Community Guidelines."

III. Despite Its Promises of Safety, the Discord Platform Facilitates Child Predators and Causes Significant Harm to Florida Children

44. Behind the veneer of building "meaningful connections" in a safe, child-friendly environment, Discord's platform has become a hotbed for predatory and exploitative activities targeting Florida's children. Discord's platform design,

targeted marketing, and false safety promises have caused and continue to cause significant harm to Florida children.

45. By way of example, state and federal agencies have charged and prosecuted many adults who preyed on and sexually exploited children using the Discord platform. Using their real identities or false personas, adults contact children on Discord and exchange sexually explicit content with children, extort children into creating sexually explicit materials, and/or coerce children to engage in sexual acts.

46. A 19-year-old man from Highlands County, Florida, manipulated an 11-year-old girl from Miami-Dade County, Florida, to exchange sexually explicit images and videos before sexually assaulting and kidnapping her. Anthony Joshua Borgesano met the child on Roblox (a gaming platform that often leads to communication on Discord) and lured her to Discord, where he convinced her to exchange photos and videos. Borgesano later met the girl twice and, during one of those meetings, sexually assaulted her. After realizing she was missing, the girl's parents tracked her to a nearby parking lot and entered a vehicle chase with Borgesano after confronting him. Borgesano eventually released her from captivity. On April 14, 2022, Borgesano pleaded no contest to charges of lewd or lascivious molestation of a child and other related sex crimes and is now serving a 25-year prison sentence.

47. A 29-year-old man coerced an 11-year-old boy from Broward County, Florida, to perform sexual acts on video by threatening to kill him. Valentino

McFarland met the boy on Discord and began grooming him over several months by having food delivered to the boy's house and offering him money for a gaming console. Eventually, McFarland sexually exploited the child by threatening to kill the boy if he did not perform sexual acts on video. The boy complied out of fear because McFarland knew his address. On June 5, 2025, McFarland was arrested and charged with solicitation of a minor and transmission of harmful material to a minor.

48. A 29-year-old from Tennessee groomed, sexually abused, and kidnapped a 14-year-old girl from Marion County, Florida, coercing her to produce child pornography and cut part of his online username into her skin. Wesley Hurd created a group chat on Discord called "The Kitty Cult" that he used to groom young girls. Hurd encouraged young girls on Discord to hurt themselves as he watched on video, and he created child pornography of the girls. Hurd, who went by the username "Vile.vil," groomed and eventually kidnapped the victim, whom he had encouraged to produce child pornography with an 8-year-old and to kidnap the young child. He also persuaded the victim to carve part of his online username into her body. Hurd was federally charged in Florida.

49. A 40-year-old man from Gainesville, Florida, and his co-conspirator, a 21-year-old from Orlando, Florida, kidnapped, drugged, and repeatedly physically and sexually abused a 16-year-old girl. Timothy Frederick Murphy-Johnson met the girl on Discord's application and arranged for her transportation to his residence. When she arrived at Murphy-Johnson's residence, he and his co-conspirator, Olivia Ashford Henn, physically restrained the child, administered narcotics to the child,

and engaged in repeated physical and sexual abuse of the child until she was rescued on July 25, 2023. Murphy-Johnson and Henn's electronic devices contained images and videos of their physical and sexual abuse of the child victim. On September 17, 2024, Murphy-Johnson pleaded guilty and was sentenced to life in prison for one count of interstate transportation of a minor to engage in sexual activity, one count of conspiracy to produce child pornography, and two counts of production of child pornography. Henn pleaded guilty and was sentenced to 276 months in prison.

50. On May 8, 2025, 24-year-old Dianely Torres of Ocala, Florida, was arrested and charged with nine counts of possession of child pornography and five counts of transmission of harmful material to minors. Torres was disciplined by the school for using Discord's application to communicate with students. Torres admitted to dating a student—a minor—and to the two exchanging sexually explicit messages and images on Discord. Those sexually explicit images of the child were found on Torres' phone.

51. On July 8, 2025, 60-year-old Charles William Maitski of St. Cloud, Florida, pleaded guilty and was sentenced to life in prison for producing CSAM and enticing children to engage in sexual activity. To meet and groom his victims, Maitski used Discord's platform, which permitted him to impersonate a 14-year-old boy named "Chuck." He would regularly message his victims using this false persona, sending explicit images and videos of the young boy he impersonated, and demanded that his victims perform, record, and send him graphic and degrading CSAM. Between 2023 and 2024, Maitski exchanged more than 50,000 messages with victims,

contacted nearly 300 minors and suspected minors, and sent, received, or directed the production of CSAM on Discord and other social media platforms.

52. On June 25, 2026, 26-year-old Evan Michael Sands of Tamarac, Florida, was indicted for enticing a minor to engage in illicit sexual activity and possessing and distributing child pornography. Sands, a private school teacher, used Discord to entice minors as young as five to send him sexually explicit images and videos.

53. The Attorney General has received complaints from Floridians about Discord's application. One Floridian complained that "Discord's poor moderation allowed a predator and groomer … to evade [being] ban[ned] from the platform three times" and "Discord [did] little to nothing … [to] fully remov[e] someone as disgusting as [the predator]" who had targeted the consumer and his friends. Another Floridian, a parent, "report[ed] a serious matter regarding an adult male who ha[d] been grooming [his] teenage daughter" on Discord and expressed "deep[] concern[] about the nature of the interactions that have taken place." Many other Floridians have reported being exposed to harassment, violent content, illicit groups, and bestiality on Discord's application.

54. These examples reinforce experts' and industry watchdogs' descriptions of Discord as "a particularly attractive location for people looking to exploit children" because of its "young user base, decentralized structure and multimedia communication tools, along with its recent growth in popularity."

55. In 2026, for example, the National Center on Sexual Exploitation ("NCSE") named Discord in the "Dirty Dozen List" for the fifth year in a row. Being

"no stranger to the Dirty Dozen List," the NCSE found that Discord has become "an online destination for exploitation," and a "mainstream contributor to sexual exploitation." The NCSE identified Discord's "very design" of "private channels, limited default safeguards, and reactive enforcement" as facilitators for sextortion, grooming, distribution of CSAM, and image-based sexual abuse on the application.

56. Federal scrutiny has resulted from the dangers caused to children by Discord's application. In December 2020, the Federal Trade Commission ("FTC") ordered Discord to produce information on the collection, use, and presentation of consumers' personal and demographic information. The FTC also sought information on how those social media and video platforms' practices affect children and teenagers. Based on the information received from Discord and other social media and video platforms, the FTC concluded that these platforms "engage[] in vast surveillance of consumers in order to monetize their personal information while failing to adequately protect users online, especially children and teens."

IV. Discord Fails to Meet Its Promises of Safety at Every Point in the User Experience on Its Application

57. Discord's application fails to meet its own design standard of ensuring that safety is "fully integrated into [Discord's] design process." Instead, Discord has designed an application with lax safety features and reactive enforcement measures that place the onus of safety on users.

A. Account Creation and Set Up

58. Discord's alleged safety-centric design fails at the first step: account creation and set up. A "quick and easy" process, Discord requires minimal information to join and fails to validate the truth of the information provided.

1. *Discord's Account Creation Is Easily Circumvented*

59. To create an account, a child only provides an email address, username, password, and date of birth. Discord does not verify the identity or age of the child at registration despite representing that its "services are not designed for nor directed towards users under the age of 13." Rather, Discord presumes that a child accessing its platform is "at least 13 years old and meet[s] the minimum age required by the laws in [their] country."

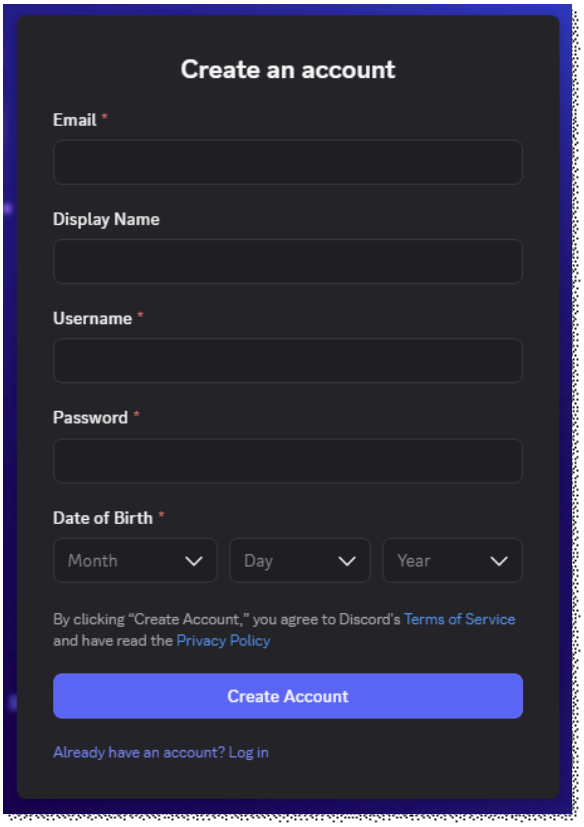


Figure 2: Discord's Account Creation Screen

60. Requiring age identification at registration is therefore a performative act that does nothing to ensure pre-teens and children do not access the platform. A nine-year-old girl, for example, can access Discord's platform by simply representing at registration that she is thirteen (or older). Similarly, an adult male can falsify his age to appear younger when contacting and interacting with children on the platform. In either scenario, Discord makes no effort—and has no mechanism—to detect or prevent this circumvention at registration.

61. These are not hypothetical scenarios. Children and adults have regularly circumvented the age-verification process to gain access to the platform.

62. Predators rely on age falsification to lure children under thirteen to Discord from other social platforms. For example, Borgesano (age 19) impersonated a 15-year-old boy to lure an 11-year-old girl to Discord, exchanged sexually explicit images and videos with her, and then kidnapped and sexually assaulted her.

63. Discord's account registration process is, in short, improperly designed to permit age falsification.

2. *For Years, Discord Defaulted Account Safety to the Lowest Settings*

64. Discord provides security features for users to filter content and messages they receive on the platform. Although these tools exist, users must affirmatively adjust the level of security upwards for each feature and are never prompted to do so after joining Discord. Moreover, until September 22, 2026, Discord failed to apply heightened safety settings by default for child users of the platform.

65. Sensitive content filters detect "Mature Sexual Media" (sexually explicit or suggestive material involving adults) and "Graphic Media" (violent or potentially disturbing visual material). Users can choose either to blur or block sensitive image-based media detected by Discord's sensitive content filters.

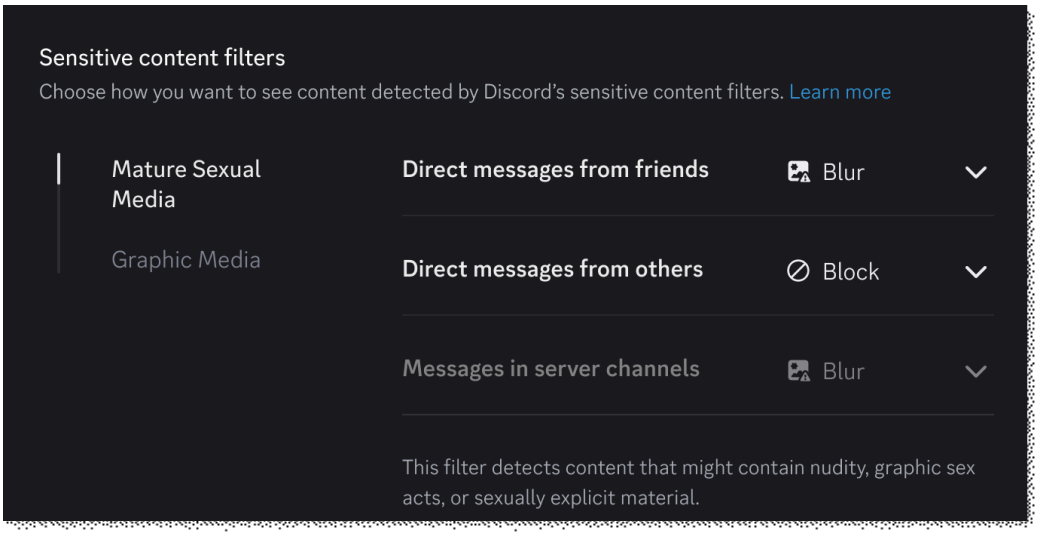


Figure 3: Discord's Sensitive Content Filters Setting Screen

66. Discord's default security settings permit children to receive blurred sensitive media through direct messages from friends and messages from members of shared servers. Only sensitive media sent to children by non-friends is blocked. At least until September 22, 2026, however, children could unblur sensitive media received from friends and members of shared servers. Discord has announced that, as of September 22, 2026, children cannot change these settings or unblur sensitive media unless they are able to verify that they are adults. Even if that is true, however, these filters "apply only to images and videos. They do not scan text messages, voice, or calls."

67. Because Discord has not been able to reliably verify a user's age, it has not been able to faithfully ensure that children are not exposed to sensitive media. By failing to ensure that sensitive media sent to children is blocked, predators can easily befriend children on Discord and send them direct messages with sensitive media. And, at least until September 22, 2026, Discord failed to provide children with

heightened protection from sensitive media regardless of the sender and made it easy for children to view sexually explicit and graphically violent media.

68. Discord allows users to manage who may send friend requests to them. Discord provides three settings for friend requests: (1) "Everyone" allows anyone who knows the user's username or is in a mutual server to send a request; (2) "Friends of Friends" allows anyone with at least one mutual friend with the user to send a request; and (3) "Server Members" allows anyone who shares a server with the user to send a request.

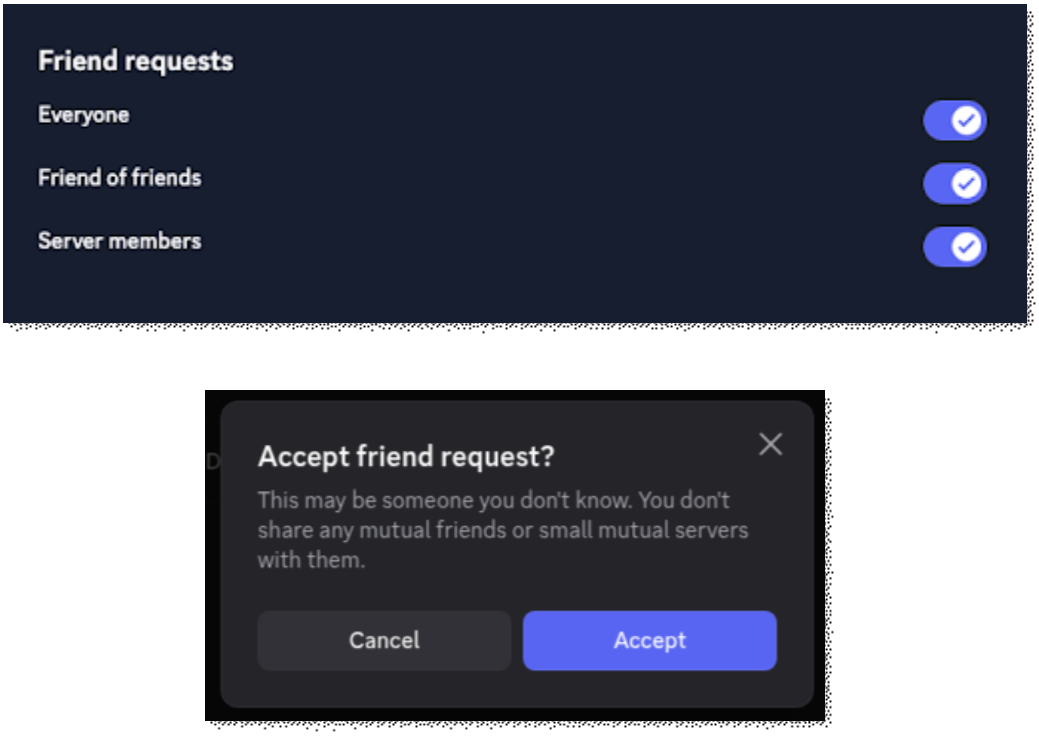


Figure 4: Discord's Friend Requests Setting & Alert Screens

69. On information and belief, default settings allow anyone to request to be friends with a child. At least until September 22, 2026, users were not alerted that the friend request was from an unfamiliar user (i.e., a user with no mutual friends or

shared servers of less than 200 users). Discord has announced that, as of September 22, 2026, a pop up appears alerting adult and teen users that they may be accepting a friend request from an unfamiliar user. Therefore, unless a child proactively limits who may send a friend request, such as not permitting users with which he or she does not have a connection, Discord by default maximizes a child's exposure to child predators and social and sexual deviants.

70. Social permissions control who may send a direct message to a user in a server. Discord's default setting is to permit other users in a shared server to send a direct message to a user, which can be toggled on or off regardless of the user's age. At least until September 22, 2026, children could toggle whether to have messages from non-friends be sent to a separate request inbox for review. Discord has announced that, as of September 22, 2026, direct messages sent to children from non-friends are sent to the separate message request inbox for review. Although children can choose whether to receive direct messages from other server members, they cannot change message request filtering unless they can verify that they are adults.

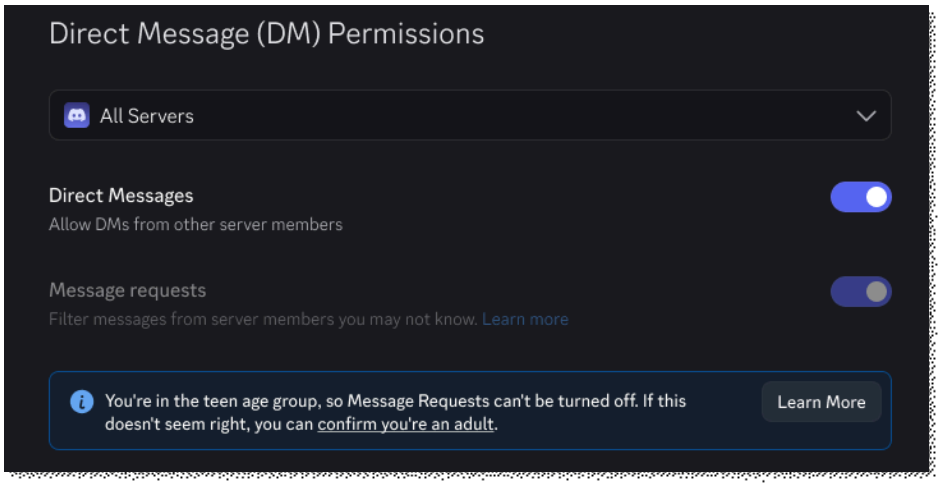


Figure 5: Discord's Social Permissions Setting Screen

71. When a child attempts to adjust his or her security preference to receive direct messages, Discord initiates a pop-up to confirm the user's change. Confirmatory pop-ups encourage doubt for a child attempting to avoid unwanted and dangerous communications. For a child, this pop-up is a confusing deterrent to applying heightened protections. Moreover, a child must decide whether to make the change for all servers or to an individual server.

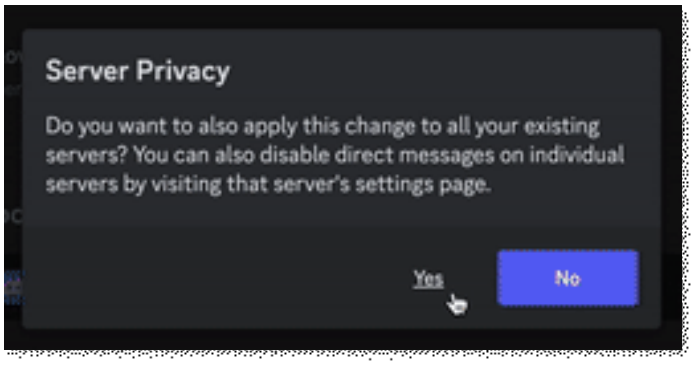


Figure 6: Discord's Social Permissions Notification

72. For years, Discord allowed adults and predators to directly message children without filtering those messages, and its recent changes to teen safety settings fare no better. Although messages from adults and predators may now be filtered to a separate inbox, children are still able to view and approve those messages. This allows adults and predators to continue contacting, grooming, or harassing children in a shared server before luring the child to a private space on Discord. Again, a child must actively adjust the default setting for receiving direct messages to limit contact and may choose to vary those settings for specific servers.

73. Users can also control their level of visibility on the Discord platform. Users can control how much of their profile is visible to others and whether to share

their activity on the platform. As of September 22, 2026, Discord limits a child's activity and profile to only be visible to friends and members of small servers (less than 200 members) the child joins. However, children can choose to make their profile and activity more visible to other users in servers.

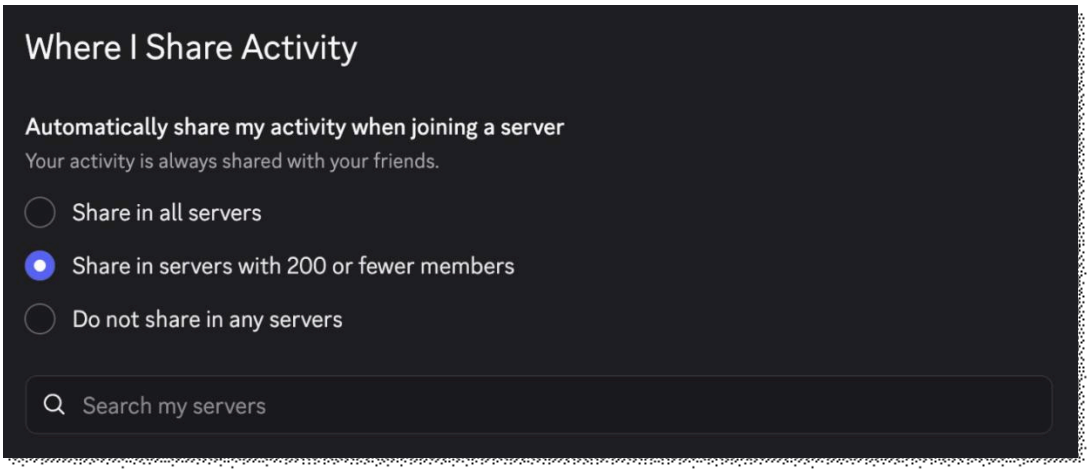


Figure 7: Discord's Activity Sharing Setting Screen

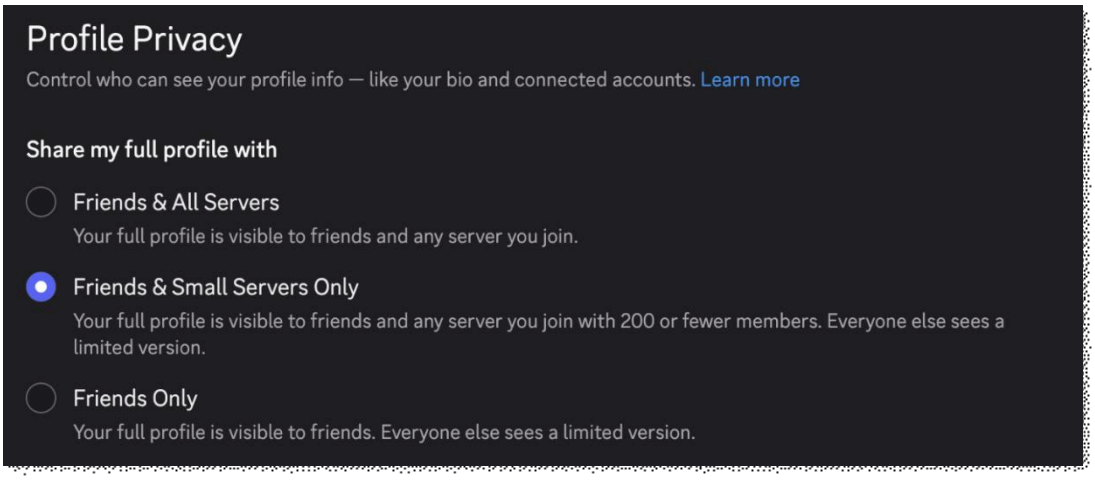


Figure 8: Discord's Privacy Visibility Setting Screen

74. By providing children the capability to alter their visibility on the platform, Discord unnecessarily exposes children to adults and predators who will use profile information to identify children and shared activity to gain insights into

the child's interests, activities, and patterns. Discord could easily limit children's exposure to adults and predators by requiring a user to verify his or her age to increase the level of visibility or activity sharing on the platform.

B. Application Use and Experience

75. Discord's flawed security-design choices persist with servers. Although security features exist for servers, Discord defaults to the lowest security settings and shifts responsibility to children to protect themselves when joining a server.

1. *Users Create Servers and Channels*

76. Discord offers two types of invite-only private servers based on the scale of users joining the server. "Friend Servers" are private servers that provide an "intimate environment" to "connect[] with your close friends or smaller groups" through "chat[ting], shar[ing] memories, coordinat[ing] activities, and maintain[ing] relationships." "Community Servers" are "larger … spaces designed to bring together people from around the world who share common interests, hobbies, or goals" and include "enhanced moderation tools."

77. Two main roles exist within a server: (1) server administrators and (2) moderators. Administrators create and manage servers while moderators ensure that servers remain safe and healthy. Importantly, both administrators and moderators are untrained community members who volunteer to serve in either role.

78. Servers may be designated as age-restricted by the server administrator or by Discord to bar users younger than 18 years of age from joining or viewing the server's content. Age-restricted content is generally "ok by Discord standards."

Server administrators must classify their server as age-restricted if it is "organized around age-restricted themes or if the majority of the server's content is focused on 18+ content."

79. Server administrators may require users to meet verification requirements before joining and participating in a channel. However, Discord does not require user verification to join a server and participate. Instead, the default verification level for a Friend and Community Server is "None"—meaning unrestricted access to sending messages on a channel—despite Discord's website suggesting otherwise.

80. Unlike the heightened verification levels (i.e., Medium, High, and Highest), which place temporal requirements for how long a user has been verified or has been a member of the server, low verification levels only require that the email address be verified or, in the case of no verification requirement, "forego any verification security."

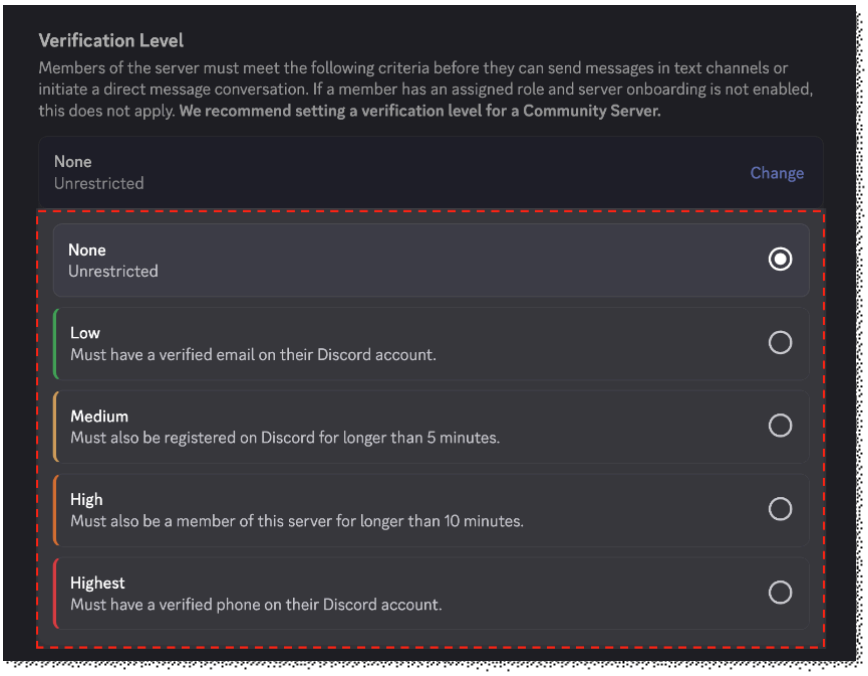


Figure 9: Discord's Verification Level Screen for Friend Servers

81. Servers have become a hotbed for child predators to access, disseminate, and exchange CSAM. Servers marketing CSAM are regularly available to the public and can be frequented by thousands of Discord users at a time.

82. Discord fails to prioritize children's safety when they join servers. Rather, Discord's security design is structured to facilitate users joining quickly and at high volumes. Unless server administrators are sensitive to the safety of their community members, they are not encouraged to heighten the verification level. This allows child predators to game the verification system and access children within those servers.

2. *Discord Provides Disjointed Security Features for Servers and Channels*

83. Within a server, channels may be marked as age-restricted to "help keep age-restricted content in a dedicated spot that's clearly labeled." However, the server

administrator or a moderator must mark the channel for it to be properly restricted. If a child attempts to open an age-restricted channel, a notification appears simply asking the child to confirm he or she is an adult. This means that if a child circumvents the age-verification requirement when creating an account, the child is then able to access unsuitable content.

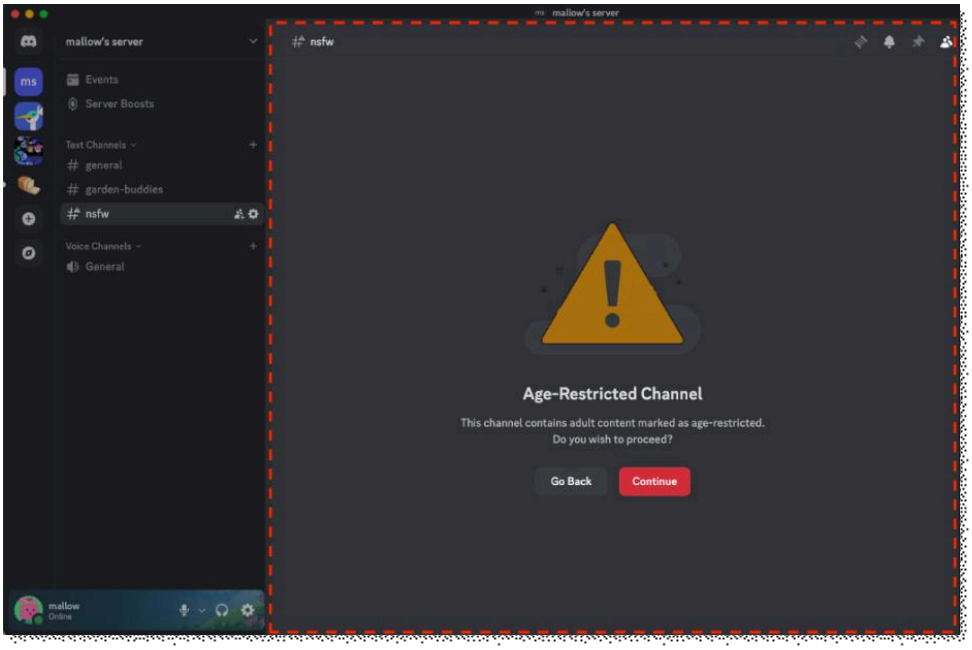


Figure 10: Discord's Age-Restricted Channel Notification

84. Server administrators and moderators can also use Discord's auto-moderation tool ("AutoMod") to assist with detecting and filtering inappropriate content from being posted in text channels and other messaging features within a server. AutoMod provides keyword filters, word and term blocking, and spam filtering. However, servers are defaulted to not use AutoMod. Moreover, programming AutoMod to effectively monitor and filter text is a "tough and time-consuming" process that falls on server administrators and moderators.

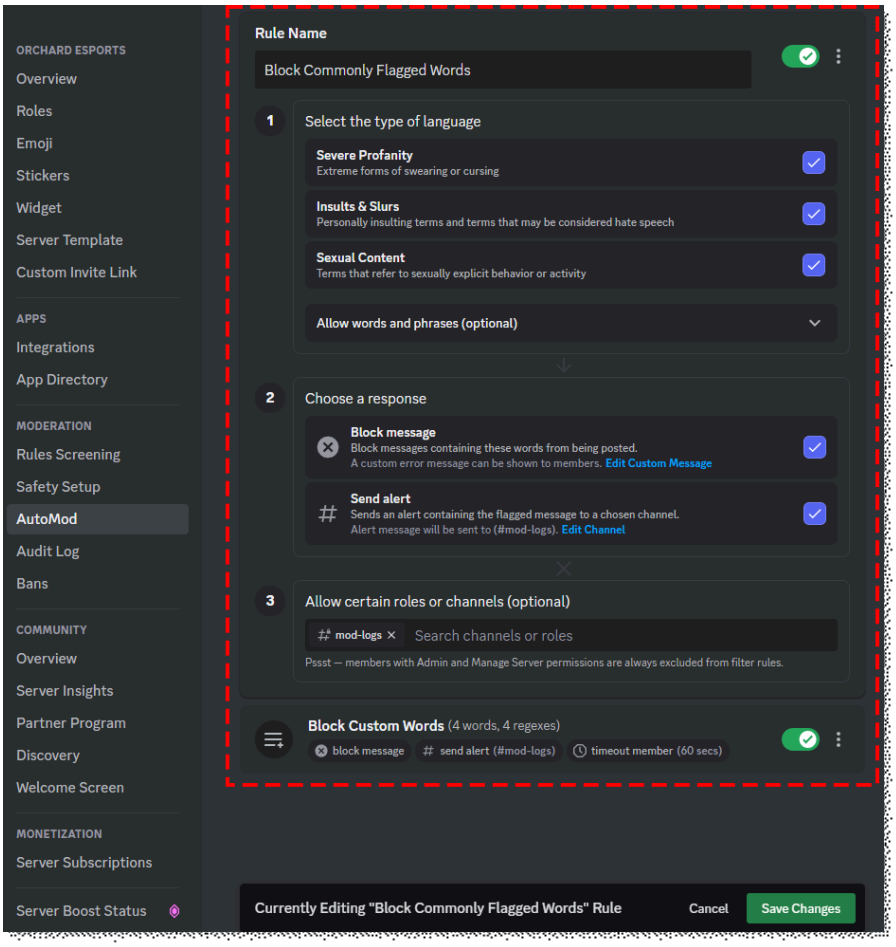


Figure 11: Discord's AutoMod Setting Screen

85. Conversely, voice and video channels within a server are left unmonitored by Discord because Discord does not store the contents of live voice or video chats on its platform.

86. Server administrators and users can also program an explicit image filter in channels that are not age-restricted to automatically block messages that contain explicit images. This feature is defaulted to not filter explicit images from being sent in channels that are not age-restricted and exempted in age-restricted channels.

87. Discord also provides server administrators and moderators activity alerts and security actions to monitor and react to unusual activity. Activity alerts warn for unusual or heightened activity in a server. If a server administrator or moderator receives an activity alert, he or she can use security actions to secure the server from an incident, including pausing invitations or direct messages.

88. Although Discord publicizes these tools to assist server administrators and moderators to build safe communities, they simply allow Discord to ignore the dangers of its platform. By placing the burden of safety on server administrators and moderators, Discord fails to proactively protect children from accessing inappropriate servers and channels on its application.

C. Application Moderation & Security

89. Discord's design model is to push all safety responsibilities onto server administrators, moderators, and, ultimately, users. Moderators are therefore burdened with the incredible responsibility of building servers that are safe for children—with little guidance or training.

90. Despite "recogniz[ing] that safety is everyone's job," Discord states that it does not "want to spend [its] days chastising and punishing people," and does not "want people to worry that they're always at risk of being reported." Instead, Discord forces users to "play a central part in making servers safe" by "building norms, enforcing rules, and keeping each other accountable."

91. Under Discord's model, moderators play the critical role of ensuring the safety of a server. Discord views moderators as "the people that your community

members look to, not just for enforcement of server rules and maintaining the peace, but also as role models for what behavior is appropriate for the server." Moderators are expected to "learn not just the technical ins and outs of your server moderation system, but they also need to adapt to more subjective expectations," such as server conduct, warning users, and other server-specific considerations.

92. Fulfilling such a weighty responsibility requires formal training. As Discord explains, "it is important to acclimate [moderators] to the server culture and moderation team culture" and "[t]raining … guarantees a baseline of knowledge that every moderator is supposed to know." And "moderation … is a straining task but extremely important to the overall health of a community." Yet Discord provides no formal training for moderators and instead leaves moderator training and onboarding to server administrators. Discord does not require that moderators be trained and acknowledges that this is "[a]n often neglected part of administering a Discord server."

93. Moderators are left with little guidance to manage servers, enforce rules, and ensure the safety of their members. Indeed, Discord states that moderators should "use their judgment to enforce rules only when it makes sense, and not blindly follow[] the letter of the law" because it views rules as "not infallible" and "exist[ing] to serve the community, not the other way around."

94. Discord knows that relying on moderators as a safety design is flawed. It acknowledges the "potential for anxiety to build as [moderators] try to juggle all of [their] responsibilities" until "burnout makes it feel like the only thing that can make

[moderators] happy is to stop being a moderator completely." Discord's "Culture of Safety" is actually a culture of untrained and overworked moderators.

D. Reporting & Enforcement System

95. Although Discord acknowledges that it is "responsible for enforcing [its] Terms of Service and Community Guidelines," it leaves much of its application moderation and guidelines enforcement to Discord users. And when Discord is confronted with violative conduct, it takes a reactive, inconsistent approach to enforcement.

1. *Users Must Report Unwanted Behavior and Content to Discord*

96. As part of its hands-off approach to securing its application, Discord asks users to report behavior that violates its Terms of Service or Community Guidelines. When reporting unwanted messages or profiles, users are asked to describe the problem by selecting from a list of options. Discord's safety team will then process the report and only take enforcement action "where appropriate."

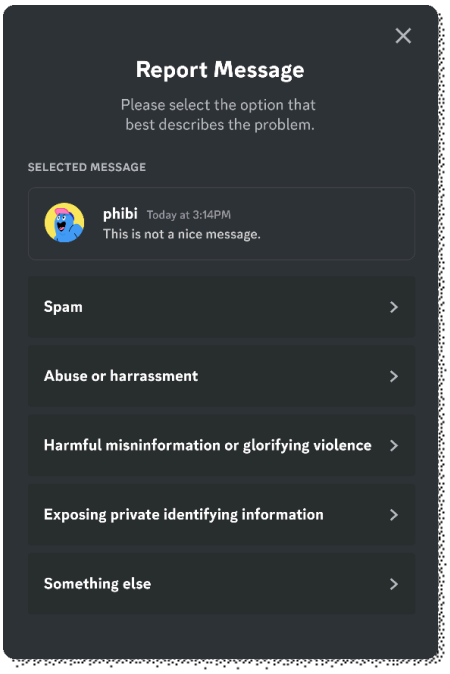


Figure 12: Discord's Report Message Notification

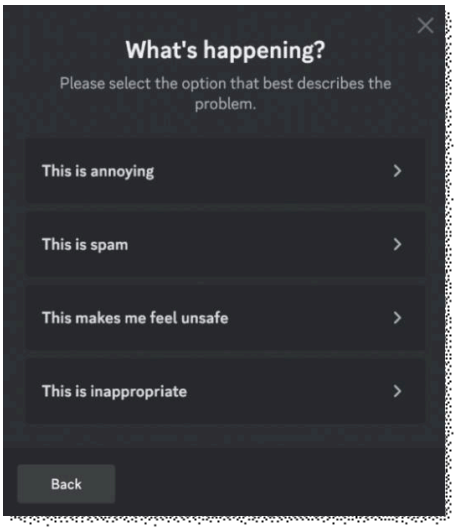


Figure 13: Discord's Report User Notification

97. Discord claims to process reports "based on priority" and uses "automated and human-powered review methods." But "[r]eport review times may fluctuate due to process changes, volume surges, technical issues, and backlogs." Users are left to rely on "safety features available that could help [the user] address

the potential harm more quickly" and may not result in enforcement action from Discord.

2. *Discord Is Inconsistent in Enforcement of Its Safety Policies*

98. Discord claims to "maintain strong systems to prevent the spread of sexual exploitation and grooming on [its] platform and also work[s] with other technology companies and safety organizations to improve online safety across the internet." Despite pledging a zero-tolerance policy towards inappropriate sexual behavior towards children, Discord's enforcement mechanism has created a community of tolerance for such behavior.

99. Discord's enforcement model intentionally ignores protecting children in the most vulnerable and unsupervised spaces on its application. Although Discord monitors "all spaces for high harm content like malware and child sexual abuse material," it does "*not* scan all content in smaller spaces such as direct messages (DM), group chats, and small/non-community servers–for other violations of [its] Community Guidelines."

100. Child predators are keenly aware that Discord does not monitor private spaces. Predators regularly lure Florida children into private spaces on Discord to groom and sexually exploit them. Torres (age 24), for example, used Discord to communicate with her students and send nude photos and explicit drawings. Hurd (age 29) similarly used private spaces on Discord to groom, sexually abuse, and kidnap a 14-year-old girl, including having inappropriate conversations with her,

encouraging her to produce child pornography and kidnap a child, and persuading her to brand herself by carving part of his online username into parts of her body.

101. When taking enforcement action, Discord chooses an escalating scale of warnings that leave bad actors on the platform. Discord's warning system provides users an unlimited number of chances for violations because "violations are not strikes and there is no simple formula from number of violations to specific penalties." This is because Discord "want[s] users … [to] stay on the platform" and will only remove users when Discord "become[s] aware of a user engaging in repeated violations or particularly egregious harms."

102. And most enforcement actions are temporary. Discord sends users direct messages telling them that they received a violation for breaking a rule and the conduct causing the violation. Most violations expire after 90 days, result in temporary restrictions, and only affect a user's account standing. Similarly, temporary suspensions of accounts only last one year, after which the user can regain access to the account. And permanent bans on accounts are fruitless when banned users can easily create new accounts under fictious names.

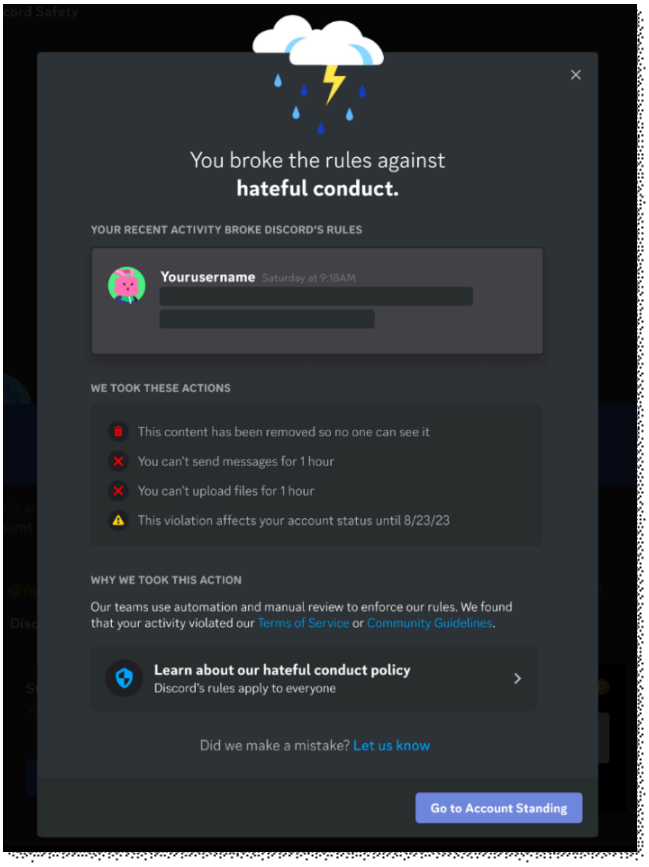


Figure 14: Discord's Rule Violation Notification

103. These design choices for minimal enforcement are intentional. Discord has chosen a lax enforcement system because Discord is driven by a desire for user retention over user safety.

104. Because child predators remain on Discord's platform through repeated reports of violations, children are repeatedly vulnerable to harm from predatory behavior.

E. Discord Collects Data on Children Despite Committing to Their Privacy

105. Discord collects, processes, and uses the personal information of its users at all stages of the user experience (i.e., account creation, content creation,

usage) regardless of age. And it retains the personal information it collects "for as long as it is needed," which typically means "for as long as [users] have an active Discord account."

106. Discord delineates categories of data it collects from all users, whether provided by the user, collected automatically, or received from other sources:

- *Account Information*: Information needed to create a Discord account, including a username, password, method of contact, and birthday. The user may also choose to provide his name and a display name.

- *User-Created Content*: Content users upload to the platform, such as messages and posts (including drafts), voice messages, custom emojis, or other content created with features Discord developed.

- *Payment Information*: Any valid payment method and associated billing information, including full name and billing address, used to buy any paid services through Discord. If the user sells something on Discord, he may also be required to provide bank account information, tax identification information, and copies of government-issued identification.

- *User Actions*: User information on use and activities on the Discord platform. This includes friends added; users, bots, and applications the user engaged with; servers or other communities the user joined and participated in; roles in servers; content moderation decisions; purchases or sales made on or through Discord; and limited information from the user's device while Discord is running.

- *Optional Features*: Information required to use certain features, like contact syncing, and information received from a user who interacts with sponsored content, enables integrations, or authorizes third-party services to share data with Discord. This may include, for example, the song a user is listening to or a game the user is playing.

- *Optional Information*: Information submitted by users to Discord, such as feedback surveys or to the support team.

- *User Device*: Information about the device used by the user to access the platform, such as the user's IP address, operating system information, browser information, device settings information, and cookies.

- *Application Usage*: Log and event information related to how and when Discord's application is used.

- *Other Sources*: Information about actions taken by users on other sites or third parties, such as when the user interacts with a Discord advertisement on a third-party platform.

107. Children can limit Discord's use of collected information and personalization of the child's experience on the application. But like all other settings on Discord's application, children must affirmatively enable settings that limit Discord's use of the information.

108. Despite claiming that "[r]especting user privacy is a key part" of its mission to enable users "to build meaningful connections around the joy of playing games," Discord acknowledges that "bad actors … join public Discord servers to scrape user information to create unauthorized databases of server members."

V. Discord's Late-Breaking Attempt to Mitigate the Harms Caused to Children on Its Platform is Too Little and Too Late

109. With multiple lawsuits brought by state attorneys general and legislation passed domestically and internationally, Discord has "had to launch age assurance solutions in more places."

110. On September 22, 2026, Discord announced its age assurance system.

111. Discord's age assurance roll out is too little, too late. For years, Discord disregarded child safety on its platform to ensure its usership—and corresponding profitability—would continue to grow. Discord's lax security measures and

enforcement have harmed and continue to harm children in Florida. The Attorney General brings this lawsuit to stop Discord's harmful conduct and lies.

CAUSES OF ACTION

COUNT I
Violation of Florida Deceptive and Unfair Trade Practices Act Section 501.204, Fla. Stat. (Unfair Acts or Practices)

112. The Attorney General realleges and incorporates by reference the factual allegations set forth in paragraphs 1–111 above as though fully alleged herein.

113. FDUTPA makes unlawful "[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce." § 501.204(1), Fla. Stat. FDUTPA is to be "construed liberally" to "protect the consuming public … from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce." *Id.* § 501.202(2).

114. An "unfair practice" under FDUTPA is one that "offends established public policy" and is "immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers." *PNR, Inc. v. Beacon Prop. Mgmt., Inc.*, 842 So. 2d 773, 777 (Fla. 2003) (quoting *Samuels v. King Motor Co.*, 782 So. 2d 489, 499 (Fla. 4th DCA 2001)); *see also Marrache v. Bacardi U.S.A., Inc.*, 17 F.4th 1084, 1098 (11th Cir. 2021) (applying same standard). However, some Florida courts apply the FTC's three-part test, given FDUTPA's instructions to look to FTC guidance. *See, e.g.*, *Porsche Cars N. Am., Inc. v. Diamond*, 140 So. 3d 1090, 1096–98 (Fla. 3d DCA 2014). For an act to

be "unfair" under that test, it must (1) cause or be likely to cause a substantial injury to a consumer, (2) in a way that is not reasonably avoidable, and (3) not be outweighed by countervailing benefits to consumers or to competition. *See id.* at 1096 (citation omitted).

115. FDUTPA defines "trade or commerce" as "the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated." § 501.203(8), Fla. Stat.

116. Discord has engaged in trade and commerce in Florida by promoting, marketing, and advertising its platform to consumers in the State of Florida; providing its platform's services to consumers in Florida in exchange for their consumer data (i.e., name, age, contact information, and platform usage); and profiting off transactions from Discord's Nitro subscription service and online shop by consumers in the State of Florida.

117. Discord has engaged and continues to engage in unfair acts and practices in the course of trade and commerce in the State of Florida, including:

a. Designing, offering, and maintaining a platform accessible to consumers in Florida without requiring age verification such that children can pretend to be adults and adults can pretend to be children;

b. Designing, offering, and maintaining a platform that is easily accessible to children without parental consent or a functioning age verification system while recruiting adults to join and implementing lax and ineffective security measures to protect children;

c. Designing, offering, and maintaining a platform that permits users to easily access and distribute CSAM and image-based sexual abuse;

d. Designing, offering, and maintaining a platform where anyone can easily communicate with young children to, among other predatory acts, groom, harass, and sextort them;

e. Endangering children by including features like voice and video channels on its platform;

f. Recruiting more child users through accessible promotional materials and falsely representing to children and their parents that the platform is safe; and

g. Collecting children's personal information, including personal identifying information unique to the child's device, without first obtaining parental consent.

118. Discord has engaged and continues to engage in acts and practices in the course of trade and commerce in the State of Florida that offend public policy and are deeply immoral, including:

a. Designing, offering, and maintaining a platform accessible to consumers in Florida without requiring age verification such that children can pretend to be adults and adults can pretend to be children;

b. Designing, offering, and maintaining a platform that is easily accessible to children without parental consent or a functioning age verification system while recruiting adults to join and implementing lax and ineffective security measures to protect children;

c. Designing, offering, and maintaining a platform that permits users to easily access and distribute CSAM and image-based sexual abuse;

d. Designing, offering, and maintaining a platform where anyone can easily communicate with young children to, among other predatory acts, groom, harass, and sextort them; and

e. Collecting children's personal information, including personal identifying information unique to the child's device, without first obtaining parental consent.

119. Discord knew or should have known that these acts and practices are unfair under FDUTPA.

120. Discord is subject to civil penalties and equitable and injunctive relief under FDUTPA because of these violations. Florida consumers—particularly children—are suffering, have suffered, and will continue to suffer substantial injury because of these violations. Absent injunctive relief, Discord is likely to continue to harm Florida consumers and the public interest.

121. The Attorney General may recover civil penalties of up to $10,000 per violation against "any person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under [§ 501.204, Fla. Stat.]" § 501.2075, Fla. Stat. A violation is "willful" if the defendant "knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule." *Id.*

COUNT II
Violation of Florida Deceptive and Unfair Trade Practices Act
Section 501.204, Fla. Stat.
(Unconscionable Acts or Practices)

122. The Attorney General realleges and incorporates by reference the factual allegations set forth in paragraphs 1–111 above as though fully alleged herein.

123. FDUTPA makes unlawful "[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the

conduct of any trade or commerce." § 501.204(1), Fla. Stat. FDUTPA is to be "construed liberally" to "protect the consuming public … from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce." *Id.* § 501.202(2).

124. FDUTPA defines "trade or commerce" as "the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated." § 501.203(8), Fla. Stat.

125. Discord has engaged in trade and commerce in Florida by promoting, marketing, and advertising its platform to consumers in the State of Florida; providing its platform's services to consumers in Florida in exchange for their consumer data (i.e., name, age, contact information, and platform usage); and profiting off transactions from Discord's Nitro subscription service and online shop by consumers in the State of Florida.

126. Discord has engaged and continues to engage in unconscionable acts and practices in the course of trade and commerce in the State of Florida. Discord cannot lure children in the State of Florida to its unsecured online platform under the false pretense of safety knowing the platform is a hotbed for child predators. Discord has done so by, among other things:

a. Designing, offering, and maintaining a platform accessible to consumers in Florida without requiring age verification such that children can pretend to be adults and adults can pretend to be children;

b. Designing, offering, and maintaining a platform that is easily accessible to children without parental consent or a functioning age verification system while recruiting adults to join and implementing lax and ineffective security measures to protect children;

c. Designing, offering, and maintaining a platform that permits users to easily access and distribute CSAM and image-based sexual abuse;

d. Designing, offering, and maintaining a platform where anyone can easily communicate with young children to, among other predatory acts, groom, harass, and sextort them;

e. Endangering children by including features like voice and video channels on its platform;

f. Recruiting more child users through accessible promotional materials and falsely representing to children and their parents that the platform is safe; and

g. Collecting children's personal information, including personal identifying information unique to the child's device, without first obtaining parental consent.

127. Discord's acts and practices are unconscionable because they offer consumers in the State of Florida, including children, non-negotiable terms to use the platform and do not provide Florida consumers, particularly children, with a reasonable opportunity to understand or negotiate the terms of use. Moreover, they mislead Florida consumers, including children, about the safety of the platform and fail to implement appropriate safety measures to protect children from adult predators.

128. Discord knew or should have known that these acts and practices are unconscionable under FDUTPA.

129. Discord is subject to civil penalties and equitable and injunctive relief under FDUTPA because of these violations. Florida consumers—particularly children—are suffering, have suffered, and will continue to suffer substantial injury because of these violations. Absent injunctive relief, Discord is likely to continue to harm Florida consumers and the public interest.

130. The Attorney General may recover civil penalties of up to $10,000 per violation against "any person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under [§ 501.204, Fla. Stat.]" § 501.2075, Fla. Stat. A violation is "willful" if the defendant "knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule." *Id.*

COUNT III
Violation of Florida Deceptive and Unfair Trade Practices Act
Section 501.204, Fla. Stat.
(Deceptive Acts or Practices)

131. The Attorney General realleges and incorporates by reference the factual allegations set forth in paragraphs 1–111 above as though fully alleged herein.

132. FDUTPA makes unlawful "[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce." § 501.204(1), Fla. Stat. FDUTPA is to be "construed liberally" to "protect the consuming public … from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce." *Id.* § 501.202(2).

133. A "deceptive act" under FDUTPA is a "representation, omission, or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment." *PNR, Inc. v. Beacon Prop. Mgmt., Inc.*, 842 So. 2d 773, 777 (Fla. 2003) (quoting *Millennium Commc'ns & Fulfillment, Inc. v. Off. of the Att'y Gen.*, 761 So. 2d 1256, 1263 (Fla. 3d DCA 2000)).

134. FDUTPA defines "trade or commerce" as "the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated." § 501.203(8), Fla. Stat.

135. Discord has engaged in trade and commerce in Florida by promoting, marketing, and advertising its platform to consumers in the State of Florida; providing its platform's services to consumers in Florida in exchange for their consumer data (i.e., name, age, contact information, and platform usage); and profiting off transactions from Discord's Nitro subscription service and online shop by consumers in the State of Florida.

136. Discord has made multiple deceptive representations and omissions in the course of trade and commerce in the State of Florida, including:

a. Falsely assuring the public that its platform is safe for children, despite knowing that children using Discord are exposed to inappropriate content, including sexual and violent content, and regularly targeted by adult predators. This includes statements from Discord like: (1) "Safety is at the core of everything we do" and "our responsibility;" (2) "Safety is and will remain part of the core product experience;" (3) "[F]actor[ing] safety into everything we do as we design, build, launch, and manage a new product;" and (4) "[T]ak[ing] user safety seriously" by "provid[ing] features and services that are designed to help keep users safe."

b. Falsely, misleadingly, and deceptively representing that "safety is integrated into every aspect of our product and policies," while knowing that predators easily circumvent every security measure to target children using Discord's platform in Florida. This includes statements from Discord like: (1) making "significant investments in creating a platform that offers age-appropriate experiences and promotes a safer experience for teens;" (2) "[I]nvest[ing] talent and resources towards safety efforts" and "mak[ing] [its] products safe spaces by design and default;" and (3) using a "safety by design" approach by "identify[ing] and mitigat[ing] potential safety risks … before [Discord] launches a product into the market" rather than "waiting until after a product is launched."

c. Falsely, misleadingly, and deceptively representing that Discord "provide[s] safer spaces that are shaped with teens in mind," and "creat[ed] a platform that offers age-appropriate experiences and promotes a safer experience for teens," while knowingly failing to implement security measures that would actually protect children using Discord's platform in Florida from predators and explicit content. This includes statements by Discord like: (1) "We're committed to providing a safe, welcoming environment to teens;" (2) "Teens deserve to have a safe, welcoming space to explore their interests, connect with others, and find a place to belong;" (3) the "goal is to help foster experiences that better support healthy interactions and experiences on Discord;" (4) claiming that it is "proud to be a space where teens want to be" and "recognize[s] the meaningful role Discord plays in teens' lives;" (5) "[I]t's first and foremost [Discord's] responsibility to create positive experiences on Discord;" and (6) pledging that "we have your back and work endlessly to keep you safe while protecting your privacy."

d. Falsely, misleadingly, and deceptively representing that Discord has a zero-tolerance policy for inappropriate sexual behavior towards children, when such content is widely accessed and distributed on the Discord platform. This includes statements from Discord like: (1) pledging a "zero-tolerance policy towards individuals who engage in sexual grooming, extortion … [or] 'sextortion'[], or the sexual exploitation of minors;" (2) not "tolerat[ing] any kind of text or media—real or generated—on [its] platform that portrays children in a sexual manner;" (3) acknowledging that "[t]his type of content causes serious harm

to victims;" and (4) defining safety as "protecting users" by "preventing them from anything that could cause harm," including "harassment, hateful conduct, unwanted interactions from others, inappropriate contact, violent and abusive imagery, violent extremism, misinformation, spam, fraud, scams, and other illegal behavior."

e. Falsely, misleadingly, and deceptively representing that safety is Discord's top priority while actively undermining safety on its platform to ensure increased usage and profits;

f. Falsely, misleadingly, and deceptively representing that children under the age of 13 are not allowed on Discord's platform while failing to apply age verification measures to stop age falsification;

g. Falsely, misleadingly, and deceptively representing that Discord scans for inappropriate and explicit content knowing that it does not scan all spaces on its platform; and

h. Falsely, misleadingly, and deceptively representing that Discord takes "swift action" to remove bad actors from its platform when its enforcement platform is designed so that users "stay on the platform."

137. Discord has misled and deceived Florida consumers by not communicating the material dangers for children joining and using its platform, including the high volume of sexual and inappropriate content, the high risk of sexual predators as users, and the likelihood of adult contact.

138. In the course of transacting and continuing to transact in the State of Florida, Discord knew that its representations and omissions were false, deceptive, and misleading. Discord knew or should have known that these representations and omissions were likely to detrimentally mislead consumers acting reasonably in the circumstances. Children in the State of Florida have been victimized and harmed by

predators on Discord's platform because of these false, deceptive, and misleading representations.

139. Discord is subject to civil penalties and equitable and injunctive relief under FDUTPA because of these violations. Florida consumers—particularly children—are suffering, have suffered, and will continue to suffer substantial injury because of these violations. Absent injunctive relief, Discord is likely to continue to harm Florida consumers and the public interest.

140. The Attorney General may recover civil penalties of up to $10,000 per violation against "any person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under [§ 501.204, Fla. Stat.]" § 501.2075, Fla. Stat. A violation is "willful" if the defendant "knew or should have known that his or her conduct was unfair or deceptive or prohibited by rule." *Id.*

COUNT IV
Violation of Florida Deceptive and Unfair Trade Practices Act
Section 501.1735, Fla. Stat.

141. The Attorney General realleges and incorporates by reference the factual allegations set forth in paragraphs 1–111 above as though fully alleged herein.

142. Florida law prohibits an "online platform that provides an online service, product, game, or feature likely to be predominantly accessed by children" from:

a. Processing the personal information of any child if the online platform has actual knowledge of or willfully disregards that the

processing may result in substantial harm or privacy risk to children;

b. Profiling a child unless the online platform can demonstrate it has appropriate safeguards in place to protect children and profiling is necessary to provide the online service, product, or feature requested for the aspects of the online service, product, or feature with which the child is actively and knowingly engaged, or the online platform can demonstrate a compelling reason that profiling does not pose a substantial harm or privacy risk to children;

c. Collecting, selling, sharing, or retaining any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged unless the online platform can demonstrate a compelling reason that collecting, selling, sharing, or retaining the personal information does not pose a substantial harm or privacy risk to children;

d. Using the personal information of a child for any reason other than the reason for which the personal information was collected, unless the online platform can demonstrate a compelling reason that the use of the personal information does not pose a substantial harm or privacy risk to children;

e. Collecting, selling, or sharing any precise geolocation data of children unless the collection of the precise geolocation data is strictly necessary for the online platform to provide the service, product, or feature requested and then only for the limited time that the collection of the precise geolocation data is necessary to provide the service, product, or feature; or

f. Collecting any precise geolocation data of a child without providing an obvious sign to the child for the duration of the collection that the precise geolocation data is being collected.

See § 501.1735(2)(a)–(f), Fla. Stat.

143. An "online platform" is defined as a "social media platform as defined in [§] 112.23(1), online game, or online gaming platform." *Id.* § 501.1735(1)(e). Section 112.23(1) defines a "social media platform" as a "form of electronic communication

through which users create online communities or groups to share information, ideas, personal messages, and other content." *See* § 112.23(1)(b), Fla. Stat.

144. Discord is a social media platform and online gaming platform that allows users to create online communities or groups to share information, ideas, personal messages, and other content in electronic form and is likely to be predominantly accessed by children. *See id.* Discord promotes itself as a "communications platform that enables you to build meaningful connections around the joy of playing games through voice, video, and text features." Discord allows users to "join or create their own communities, which can be organized around various topics, interests, or gaming groups." Discord is thus subject to § 501.1735, Fla. Stat.

145. A "child" or "children" means a consumer or consumers who are under 18 years of age. *See* § 501.1735(1)(a), Fla. Stat.

146. Discord permits consumers in Florida who are 13 years of age or older to join its platform. Discord is thus subject to § 501.1735, Fla. Stat.

147. "Personal information" is defined as "information that is linked or reasonably linkable to an identified or identifiable child, including biometric information and unique identifiers to the child." *See id.* § 501.1735(1)(f).

148. A "substantial harm or privacy risk to children" is the "processing of personal information in a manner that may result in any reasonably foreseeable substantial physical injury, economic injury, or offensive intrusion into the privacy expectations of a reasonable child under the circumstances," including:

a. Mental health disorders or associated behaviors, including the promotion or exacerbation of self-harm, suicide, eating disorders, and substance abuse disorders;

b. Patterns of use that indicate or encourage addictive behaviors;

c. Physical violence, online bullying, and harassment;

d. Sexual exploitation, including enticement, sex trafficking, and sexual abuse and trafficking of online sexual abuse material;

e. Promotion and marketing of tobacco products, gambling, alcohol, or narcotic drugs as defined in section 102 of the Controlled Substances Act, 21 U.S.C. § 802; or

f. Predatory, unfair, or deceptive marketing practices or other financial harms.

See id. § 501.1735(1)(*l*).

149. Discord processes the personal information of children in the State of Florida with actual knowledge or willful disregard that it would lead to substantial harm or privacy risk for children in violation of § 501.1735(2)(a), Fla. Stat. According to Discord's Privacy Policy, Discord collects, processes, and uses the personal information of its users at all stages of the user experience (i.e., account creation, content creation, usage). This includes children of any age despite Discord's claim of prohibiting users under the age of 13 from joining. Some of this data is collected automatically. *See id.* Moreover, Discord "retain[s] personal information for as long as it is needed for the purposes for which [Discord] collected it. In general, this means that [Discord] retain[s] [a user's] personal information for as long as [the user] [has] an active Discord account." Discord knows that processing children's personal

information leads to sexual abuse, exploitation, and trafficking of CSAM on its platform.

150. Discord processes the personal information of children in the State of Florida with actual knowledge or willful disregard that it would lead to substantial harm or privacy risk for children by enabling text, voice, and video communication features for all consumers, regardless of age, knowing that this allows predators to engage with children in conversations that lead to harassment, exploitation, and abuse. Discord knows that processing children's personal information leads to sexual abuse, exploitation, and trafficking of CSAM on its platform.

151. Discord has processed and used the personal information of children in the State of Florida for unrelated and unnecessary purposes to providing access to its platform, such as by distributing that personal information to third parties for profit and advertising, in violation of § 501.1735(2)(a)–(d), Fla. Stat. Discord took these actions with actual knowledge or willful disregard that processing children's personal information would lead to substantial harm or privacy risk for children.

152. Each violation of § 501.1735(2), Fla. Stat., by Discord constitutes an unfair and deceptive trade practice in violation of FDUTPA. *See* §§ 501.1735(4)(a) & 501.204(1), Fla. Stat.

153. Florida consumers who are under the age of 18 are suffering, have suffered, and will continue to suffer substantial injury because of Discord's violations of FDUTPA. Absent injunctive relief by this Court, Discord is likely to continue to injure consumers and harm the public interest.

154. The Attorney General may collect civil penalties of up to $50,000 per violation of § 501.1735(2), Fla. Stat. *See* § 501.1735(4)(a), Fla. Stat. Those penalties may be tripled for any violation where Discord has actual knowledge that a Florida child is under the age of 18. *See id.*

COUNT V
Negligence – Defective Product

155. The Attorney General realleges and incorporates by reference the factual allegations set forth in paragraphs 1–111 above as though fully alleged herein.

156. The Attorney General may bring claims at common law as the public interest requires and retains wide discretion in making the determination as to the public interest.

157. Under Florida tort law, a manufacturer of a defective product may be held liable under theories of negligence or strict liability. *See Grieco v. Daiho Sangyo, Inc.*, 344 So. 3d 11, 17–18 (Fla. 4th DCA 2022). A manufacturer is liable for the defective product if "the product was defective or unreasonably dangerous." *Id.* (quoting *Small v. Amgen, Inc.*, 134 F. Supp. 3d 1358, 1366 (M.D. Fla. 2015)).

158. Discord had duties to exercise appropriate care when it designed, marketed, sold, promoted, and/or distributed its platform, including taking all reasonable precautions in ensuring it was safe for use by children in the State of Florida. Discord assumed these duties voluntarily, as a condition for the privilege of distributing and selling its platform in Florida.

159. Discord breached its duty to exercise appropriate care when designing, marketing, selling, promoting, and/or distributing its platform. Discord's platform is defective and unreasonably dangerous to children in the State of Florida, including, but not limited to, the following ways:

a. Discord's age verification system during the account creation process is easily manipulated through deception, allowing predators to easily access the application and pose as a child to target children;

b. Discord's account safety settings, until September 22, 2026, were defaulted to the lowest security levels without prompting users to appropriately adjust settings;

c. Discord fails to monitor private spaces on its platform for nefarious activities and instead relies on users to report inappropriate content and conduct; and

d. Discord allows users who engage in inappropriate conduct to remain on the platform and only bans users if they repeatedly engage in inappropriate conduct.

160. The foreseeable result of Discord's breach is that the use of its platform has caused mental, emotional, and physical harm to children in the State of Florida. Children on Discord's platform are vulnerable to contact, harassment, extortion, and abuse by predators who can easily identify and target them. Discord's application is unreasonably dangerous as shown by multiple criminal proceedings against predators who targeted and sexually exploited children on Discord's platform.

161. Discord's breach of duty is the proximate cause and a substantial factor contributing to the damages suffered by the State of Florida and its citizens, particularly children.

162. The harms to the State of Florida and its citizens, particularly children, were foreseeable in light of Discord's breach of its duties.

163. The Attorney General seeks damages resulting from Discord's negligence.

COUNT VI
Negligent Misrepresentation

164. The Attorney General realleges and incorporates by reference the factual allegations set forth in paragraphs 1–111 above as though fully alleged herein.

165. The Attorney General may bring claims at common law as the public interest requires and retains wide discretion in making the determination as to the public interest.

166. A defendant makes a negligent misrepresentation where the defendant (1) made a misrepresentation of material fact that it believed to be true but was false; (2) was negligent in making the statement; (3) intended to induce the plaintiff to rely on the misrepresentation; and (4) injury resulted to the plaintiff acting in justifiable reliance upon the misrepresentation. *See Specialty Marine & Indus. Supplies, Inc. v. Venus*, 66 So. 3d 306, 309 (Fla. 1st DCA 2011).

167. Discord maintains that "[s]afety is at the core of everything we do," that "[s]afety is and will remain part of the core product experience," and that it "invest[s] talent and resources towards safety efforts" and "make[s] [its] products safe spaces by design and default."

168. Discord also claims to "work[] to provide safer spaces that are shaped with teens in mind, and designed to help give them agency over their experience" and to have "made significant investments in creating a platform that offers age-appropriate experiences and promotes a safer experience for teens."

169. Discord's safety is material to whether consumers in the State of Florida, including children, choose to use Discord's platform or subscribe to Nitro. Discord has made representations about its platform's safety in publicly available materials designed to induce use of Discord's platform and subscription to Nitro.

170. Discord is not safe for children in the State of Florida to use. It has led to and will continue to lead to mental, emotional, and physical harm to children in the State of Florida.

171. Discord knew or should have known that its platform is not safe for children in the State of Florida to use.

172. Children and parents in the State of Florida have relied on Discord's representations that its platform is safe in their decision of whether to use Discord and/or subscribe to Nitro.

173. As a result of using Discord's platform under the belief that it is safe, children in the State of Florida have been contacted, harassed, extorted, and abused by predators who also use Discord's platform.

174. The Attorney General seeks damages resulting from Discord's negligent misrepresentation that its platform is safe for children in the State of Florida to use.

COUNT VII
Public Nuisance
Sections 60.05 & 823.01, Fla. Stat.

175. The Attorney General realleges and incorporates by reference the factual allegations set forth in paragraphs 1–111 above as though fully alleged herein.

176. The Attorney General may bring an action to abate a public nuisance within the State of Florida in the name of the State at common law and under §§ 823.01 & 60.05, Fla. Stat.

177. A public nuisance is "[a]ll nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals." § 823.01, Fla. Stat.

178. Discord has created a public nuisance through its unreasonable and unlawful conduct described in Counts I through VI, which has caused public harm in Florida and continues to jeopardize the health and safety of Florida children.

179. Discord's conduct has created a public nuisance that violates the rights common to the Florida public; subverts the public order, decency, or morals of Florida children; and causes inconvenience or damage to the public in general. Discord's conduct has caused harm to the public health in Florida and is an annoyance to Florida communities and their children.

180. Discord's conduct was unreasonable because it breached the duty it assumed when it offered, marketed, and maintained its application without

reasonable care and failed to warn Florida parents and children of the risks that Discord knew made its application unsafe.

181. Discord's conduct has affected and continues to affect communities throughout the State of Florida. Discord's conduct affects the right to public health, safety, and peace, among other public rights, in communities throughout the State of Florida.

182. Discord knew, or should have known, that the design and function of its application—including, but not limited to, lax age verification requirements, minimal and ineffective security measures, and proliferation of predatory, sexually exploitative, physically and mentally harmful, and victimizing activities against children—would create a public nuisance.

183. The health and safety of Florida's children and others who use, as well as those impacted or affected by the harms caused by, Discord's application is a matter of great public interest and of legitimate concern to the State of Florida's citizens and residents.

184. The State of Florida, its residents, its communities, and its children have suffered severe economic costs through the harms that have been inflicted on them because of the public nuisance that Discord created. The Attorney General therefore seeks monetary relief from Discord.

185. Discord's conduct will continue to threaten and harm the health and safety of Florida residents and children if left unabated. The Attorney General

therefore seeks injunctive relief to abate the public nuisance Discord has created and halt the threat of future harm.

186. All conditions precedent to bringing this action have been met.

DEMAND FOR JURY TRIAL

187. The Attorney General demands a trial by jury on all claims so triable.

PRAYER FOR RELIEF

WHEREFORE, the Attorney General respectfully requests that the Court:

A. Enter judgment in favor of the Attorney General and against Discord for violations of FDUTPA, § 501.1735, Fla. Stat., negligence, negligent misrepresentation, and public nuisance;

B. Permanently enjoin Discord from engaging in the acts and practices set forth above that violate FDUTPA, § 501.1735, Fla. Stat., public nuisance, and Florida tort laws;

C. Award civil penalties of up to $10,000 per violation for Discord's willful violations of FDUTPA under § 501.2075, Fla. Stat.;

D. Award civil penalties of up to $50,000 per violation for Discord's violations of § 501.1735, Fla. Stat.;

E. Award civil penalties of up to $150,000 per violation for Discord's violations of § 501.1735, Fla. Stat., where Discord had actual knowledge that a Florida child was under the age of 18;

F. Order disgorgement of all funds and property acquired by Discord from Florida consumers through Discord's continued misrepresentations,

deceptions, false promises, and unfair practices and award the restitution to be used for consumers by the Attorney General;

G. Award costs to abate the public nuisance created by Discord's platform and permanently enjoin Discord to halt the threat of future harm;

H. Award attorney's fees and costs under §§ 501.2075 & 501.2105, Fla. Stat.; and

I. Grant such other and further legal or equitable relief as the Court may deem just and proper.

Dated October 15, 2026.

Respectfully submitted,

JAMES UTHMEIER
Attorney General

RYAN NEWMAN
Chief Deputy Attorney General

JASON HILBORN
Deputy Attorney General
Civil Division

/s/ *Donna C. Valin*
Donna Cecilia Valin (FL Bar No. 96687)
Special Counsel, Assistant Attorney General
Consumer Protection Division
135 West Central Blvd.
Orlando, Florida 32801
Telephone: (407) 316-4840
Email: donna.valin@myfloridalegal.com

Victoria Ann Butler (FL Bar No. 861250)
Director
Consumer Protection Division
3507 East Frontage Road, Suite 325
Tampa, Florida 33607
Telephone: (813) 287-7950
Email:
victoria.butler@myfloridalegal.com

Karen E. Berger (FL Bar No. 72991)
Special Counsel, Assistant Attorney General
Consumer Protection Division
110 SE 6th Street, 10th Floor
Fort Lauderdale, Florida 33301
Telephone: (954) 712-4600
Email: karen.berger@myfloridalegal.com

BOIES SCHILLER FLEXNER LLP
Jesse Panuccio (FL Bar No. 31401)
Evan Ezray (FL Bar No. 1008228)
David Costello (FL Bar No. 1004952)
401 E. Las Olas Blvd. Suite 1200
Fort Lauderdale, FL, 33301
Telephone: (954) 377 4237
Email: jpanuccio@bsfllp.com
Email: eezray@bsfllp.com
Email: dcostello@bsfllp.com

Attorneys for Office of the Attorney General, State of Florida, Department of Legal Affairs