

By Senator Burton

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A bill to be entitled

An act relating to companion artificial intelligence chatbots; creating s. 501.1739, F.S.; defining terms; requiring operators to require an individual seeking access to a companion AI chatbot to create a user account; requiring operators to meet specified requirements for existing and newly created companion AI chatbot user accounts; requiring operators to take certain actions if the age verification process determines that a user is a minor; requiring operators to protect the confidentiality of age verification information provided by a user; requiring operators to provide certain notifications to a user which indicate that the user is interacting with a companion AI chatbot; providing that violations of the act are deemed deceptive and unfair trade practices; authorizing the Department of Legal Affairs to bring an action against an operator upon a certain finding; providing applicability; authorizing the department to collect a civil penalty, reasonable attorney fees, and court costs; providing that age verification performed for an operator in violation of this section is an unfair and deceptive trade practice; providing construction; providing that certain operators are subject to the jurisdiction of state courts; authorizing the department to take certain investigative and compliance actions; providing a civil penalty for any entity or person who fails to comply with certain provisions and investigations;

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30 authorizing the department to adopt rules; providing
31 an effective date.

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33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Section 501.1739, Florida Statutes, is created
36 to read:

37 501.1739 Companion artificial intelligence chatbots; system
38 operators regulated.—

39 (1) As used in this section, the term:

40 (a) "Anonymous age verification" has the same meaning as in
41 s. 501.1738.

42 (b) "Companion AI chatbot" means any software-based
43 artificial intelligence system or program that exists for the
44 primary purpose of simulating interpersonal or emotional
45 interaction, friendship, companionship, or therapeutic
46 communication with a user.

47 (c) "Department" means the Department of Legal Affairs.

48 (d) "Minor" means any individual who is under 18 years of
49 age.

50 (e) "Operator" means any person who owns, operates, or
51 otherwise makes available a companion AI chatbot to individuals
52 in this state.

53 (f) "Pop-up" means a visible notification on the screen of
54 a user which may be resolved if the user interacts with or
55 responds to the notification.

56 (g) "Sexually explicit communication" means any content,
57 conversation, or material that describes, depicts, or encourages
58 sexually explicit conduct, sexual excitement, or sexual

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59 activity.60 (h) "Standard age verification" means any commercially
61 reasonable method of age verification approved by the operator.62 (2) An operator shall require an individual seeking access
63 to a companion AI chatbot to create a user account to use or
64 otherwise interact with the chatbot.65 (3) With respect to companion AI chatbot user accounts in
66 existence before July 1, 2026, an operator shall:67 (a) On such date, freeze or otherwise disable any such
68 account;69 (b) Require the user of the frozen or disabled account to
70 provide age information and verify that information using
71 standard age verification or anonymous age verification before
72 the functionality of such account may be restored; and73 (c) Using standard age verification or anonymous age
74 verification, classify each user as either a minor or an adult.75 (4) Upon the creation of a new companion AI chatbot user
76 account, an operator shall:77 (a) Request age information from the user; and
78 (b) Verify the user's age using standard age verification
79 or anonymous age verification.80 (5) If the age verification process determines that a user
81 is a minor, an operator must do all of the following:82 (a) Require the account of such user to be affiliated with
83 a parental account that has been verified using standard age
84 verification or anonymous age verification;85 (b) Obtain verifiable parental consent from the holder of
86 the affiliate parental account before allowing the minor to
87 access and use the companion AI chatbot; and

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88 (c) Block the minor's access to any companion AI chatbot
89 that prompts, promotes, solicits, or otherwise suggests sexually
90 explicit communication.

91 (6) An operator shall protect the confidentiality of age
92 information provided by a user for age verification in
93 accordance with s. 501.1738.

94 (7) At the beginning of any interaction between a user and
95 a companion AI chatbot, and no less frequently than every 60
96 minutes thereafter during such interaction, an operator shall
97 display a pop-up that notifies users that they are not engaging
98 in dialogue with a human counterpart.

99 (8) (a) A violation of this section is deemed an unfair and
100 deceptive trade practice actionable under part II of this
101 chapter solely by the department on behalf of a user of a
102 companion AI chatbot. If the department has reason to believe
103 that an operator is in violation of this section, the department
104 may, as the enforcing authority, bring an action against the
105 operator for an unfair or deceptive act or practice. For the
106 purpose of bringing an action pursuant to this section, ss.
107 501.211 and 501.212 do not apply. In addition to any other
108 remedy under part II of this chapter, the department may collect
109 a civil penalty of up to \$50,000 per violation and reasonable
110 attorney fees and court costs.

111 (b) A third party that performs age verification for an
112 operator in violation of this section is deemed to have
113 committed an unfair and deceptive trade practice actionable
114 under part II of this chapter by the department solely against
115 such third party. For the purpose of bringing an action pursuant
116 to this section, ss. 501.211 and 501.212 do not apply.

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117 (9) This section does not preclude any other available
118 remedy at law or equity.

119 (10) For purposes of bringing an action pursuant to this
120 section, any entity or person who meets the definition of an
121 operator that owns, operates, or otherwise makes available a
122 companion AI chatbot to individuals in this state is considered
123 both to be engaged in substantial and not isolated activities
124 within this state and to be operating, conducting, engaging in,
125 or carrying on a business, and doing business in this state, and
126 is therefore subject to the jurisdiction of the courts of this
127 state.

128 (11) (a) If, by its own inquiry or as a result of
129 complaints, the department has reason to believe that an entity
130 or a person has engaged in, or is engaging in, an act or
131 practice that violates this section, the department may
132 administer oaths and affirmations, subpoena witnesses or matter,
133 and collect evidence. Within 5 days, excluding weekends and
134 legal holidays, after the service of a subpoena or at any time
135 before the return date specified therein, whichever is longer,
136 the party served may file in the circuit court in the county in
137 which it resides or in which it transacts business and serve
138 upon the enforcing authority a petition for an order modifying
139 or setting aside the subpoena. The petitioner may raise any
140 objection or privilege which would be available upon service of
141 such subpoena in a civil action. The subpoena must inform the
142 party served of its rights under this subsection.

143 (b) If the matter that the department seeks to obtain by
144 subpoena is located outside this state, the entity or person
145 subpoenaed may make it available to the department or its

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146 representative to examine the matter at the place where the
147 party is located. The department may designate representatives,
148 including officials of the state where the matter is located, to
149 inspect the matter on its behalf and may respond to similar
150 requests from officials of other states.

151 (c) Upon failure of an entity or a person without lawful
152 excuse to obey a subpoena and upon reasonable notice to all
153 persons affected, the department may apply to the circuit court
154 for an order compelling compliance.

155 (d) The department may request that an entity or a person
156 who refuses to comply with a subpoena on the ground that
157 testimony or matter may incriminate the entity or person be
158 ordered by the court to provide the testimony or matter. Except
159 in a prosecution for perjury, an entity or person who complies
160 with a court order to provide testimony or matter after
161 asserting a valid privilege against self-incrimination may not
162 have the testimony or matter so provided, or evidence derived
163 therefrom, received against the entity or person in any criminal
164 investigation or proceeding.

165 (e) An entity or a person upon whom a subpoena is served
166 pursuant to this section shall comply with the terms thereof
167 unless otherwise provided by order of the court. Any entity or
168 person who fails to appear with the intent to avoid, evade, or
169 prevent compliance in whole or in part with any investigation
170 under this part or who removes from any place, conceals,
171 withholds, mutilates, alters, or destroys, or by any other means
172 falsifies any documentary material in the possession, custody,
173 or control of any entity or person subject to any such subpoena,
174 or knowingly conceals any relevant information with the intent

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175 to avoid, evade, or prevent compliance, is liable for a civil
176 penalty of not more than \$5,000 per week in violation,
177 reasonable attorney fees, and costs.

178 (12) The department may adopt rules to implement this
179 section.

180 Section 2. This act shall take effect July 1, 2026.