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A bill to be entitled  
An act relating to artificial intelligence; amending  
s. 287.138, F.S.; defining the term "artificial  
intelligence"; prohibiting a governmental entity from  
extending or renewing a contract with specified  
entities; prohibiting a local governmental entity from  
taking certain actions relating to contracting with an  
entity to provide artificial intelligence technology,  
software, or products unless certain requirements are  
completed; prohibiting a governmental entity from  
entering into a contract with an entity for artificial  
intelligence technology, software, or products if  
certain conditions are met; providing a directive to  
the Division of Law Revision; creating part IX of ch.  
501, F.S., to be entitled the "Artificial Intelligence  
Bill of Rights"; creating s. 501.9981, F.S.; providing  
a short title; creating s. 501.9982, F.S.; providing  
the rights of Floridians relating to the use of  
artificial intelligence; authorizing Floridians to  
exercise certain rights; providing construction;  
creating s. 501.9983, F.S.; defining terms; creating  
s. 501.9984, F.S.; requiring companion chatbot  
platforms to prohibit a minor from creating new or  
maintaining existing accounts unless the minor's  
parent or guardian consents; requiring companion

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chatbot platforms to provide the minor's parent or guardian certain options; requiring companion chatbot platforms to terminate certain accounts and provide certain options; requiring companion chatbot platforms to make certain disclosures and institute certain measures to prevent their companion chatbots from producing or sharing materials harmful to minors; providing that violations are deceptive or unfair trade practices; authorizing the Department of Legal Affairs to bring actions under the Florida Deceptive and Unfair Trade Practices Act for knowing or reckless violations; authorizing the department to issue and enforce civil investigative demands under certain circumstances; providing civil penalties; authorizing punitive damages under certain circumstances; providing for private causes of action; requiring that such actions be brought within a specified timeframe; providing that certain companion chatbot platforms are subject to the jurisdiction of state courts; specifying requirements for contract formation; providing construction; authorizing the department to adopt rules; creating s. 501.9985, F.S.; requiring bot operators to periodically provide a certain notification to a user; authorizing the department to bring actions under the Florida Deceptive and Unfair

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51       Trade Practices Act for violations; authorizing the  
52       department to issue and enforce civil investigative  
53       demands under certain circumstances; providing civil  
54       penalties; providing construction; providing that  
55       certain bot operators are subject to the jurisdiction  
56       of state courts; authorizing the department to adopt  
57       rules; creating s. 501.9986, F.S.; prohibiting  
58       artificial intelligence technology companies from  
59       selling or disclosing the personal information of  
60       users unless the information is deidentified data;  
61       requiring artificial intelligence technology companies  
62       in possession of deidentified data to take certain  
63       measures to ensure such data remains deidentified;  
64       authorizing the Department of Legal Affairs to bring  
65       actions under the Florida Deceptive and Unfair Trade  
66       Practices Act for violations; authorizing the  
67       department to issue and enforce civil investigative  
68       demands under certain circumstances; providing civil  
69       penalties; providing that certain artificial  
70       intelligence technology companies are subject to the  
71       jurisdiction of state courts; authorizing the  
72       department to adopt rules; creating s. 501.9987, F.S.;  
73       authorizing the department to take certain  
74       investigative and compliance actions in connection  
75       with potential violations of part IX of ch. 501, F.S.;

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76 authorizing the department to adopt rules; amending s.  
77 540.08, F.S.; defining terms; prohibiting the  
78 commercial use of an individual's name, image, or  
79 likeness created through artificial intelligence  
80 without the individual's or an authorized individual's  
81 consent; providing requirements for the use of the  
82 name, image, or likeness of deceased persons;  
83 providing penalties for the use of the name, image, or  
84 likeness of a servicemember; conforming provisions to  
85 changes made by the act; reenacting ss. 540.10 and  
86 743.08(1)(c), F.S., relating to the exemption of news  
87 media from liability and contracts entered into by  
88 minors, respectively, to incorporate the amendments  
89 made to s. 540.08, F.S., in references thereto;  
90 providing an effective date.

91  
92 Be It Enacted by the Legislature of the State of Florida:

93  
94 **Section 1. Present paragraphs (a) through (d) of**  
95 **subsection (1) and present subsection (7) of section 287.138,**  
96 **Florida Statutes, are redesignated as paragraphs (b) through (e)**  
97 **of subsection (1) and subsection (8), respectively, a new**  
98 **paragraph (a) is added to subsection (1), a new subsection (7)**  
99 **is added to that section, and subsection (3) of that section is**  
100 **amended, to read:**

101        287.138 Contracting with entities of foreign countries of  
102 concern prohibited.—

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

104        (a) "Artificial intelligence" means an engineered or  
105 machine-based system that varies in its level of autonomy and  
106 that can, for explicit or implicit objectives, infer from the  
107 input it receives how to generate outputs that influence  
108 physical or virtual environments.

109        (3) (a) Beginning July 1, 2025, a governmental entity may  
110 not extend or renew a contract with an entity listed in  
111 paragraphs (2) (a)-(c) if the contract would give such entity  
112 access to an individual's personal identifying information.

113        Beginning July 1, 2026, a governmental entity may not extend or  
114 renew a contract with an entity listed in paragraph (7) (a),  
115 paragraph (7) (b), or paragraph (7) (c).

116        (b) Beginning July 1, 2026, a governmental entity may not  
117 accept a bid on, a proposal for, or a reply to, or enter into a  
118 contract with, an entity to provide artificial intelligence  
119 technology, software, or products, including as a portion or an  
120 option to the products or services provided under the contract,  
121 unless the entity provides the governmental entity with an  
122 affidavit signed by an officer or a representative of the entity  
123 under penalty of perjury attesting that the entity does not meet  
124 any of the criteria in paragraph (7) (a), paragraph (7) (b), or  
125 paragraph (7) (c).

126        (7) A governmental entity may not knowingly enter into a  
127 contract with an entity for artificial intelligence technology,  
128 software, or products, including as a portion or an option to  
129 the products or services provided under the contract, if:

130        (a) The entity is owned by the government of a foreign  
131 country of concern;

132        (b) A government of a foreign country of concern has a  
133 controlling interest in the entity; or

134        (c) The entity is organized under the laws of or has its  
135 principal place of business in a foreign country of concern.

136        **Section 2.** The Division of Law Revision is directed to  
137 create part IX of chapter 501, Florida Statutes, consisting of  
138 ss. 501.9981, 501.9982, 501.9983, 501.9984, 501.9985, 501.9986,  
139 and 501.9987, Florida Statutes, to be entitled the "Artificial  
140 Intelligence Bill of Rights."

141        **Section 3. Section 501.9981, Florida Statutes, is created**  
142 **to read:**

143        501.9981 Short title.—This part may be cited as the  
144 "Artificial Intelligence Bill of Rights."

145        **Section 4. Section 501.9982, Florida Statutes, is created**  
146 **to read:**

147        501.9982 Rights relating to the use of artificial  
148 intelligence.—

149        (1) Floridians are entitled to certain rights with respect  
150 to the use of artificial intelligence, including, but not

151     limited to:

152         (a) The right to use artificial intelligence to improve  
153 their own lives and the lives of family members, fellow  
154 residents, and the world at large in accordance with the law.

155         (b) The right to supervise, access, limit, and control  
156 their minor children's use of artificial intelligence.

157         (c) The right to know whether they are communicating with  
158 a human being or an artificial intelligence system, program, or  
159 chatbot.

160         (d) The right to know if artificial intelligence  
161 technology companies are collecting personal information or  
162 biometric data, and the right to expect artificial intelligence  
163 technology companies to protect and deidentify that information  
164 or data in accordance with the law.

165         (e) The right to pursue civil remedies authorized by law  
166 against persons who use artificial intelligence to appropriate  
167 the name, image, or likeness of others for commercial purposes  
168 without their consent.

169         (f) The right to be protected by law from criminal acts,  
170 such as fraud, exploitation, identity theft, stalking, and  
171 cyberbullying, regardless of whether artificial intelligence is  
172 used in the commission of those acts.

173         (g) The right to be protected by law from criminal acts  
174 relating to the alteration of existing images to create sexual  
175 or lewd or lascivious images or child pornography, regardless of

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176 whether artificial intelligence is used in the commission of  
177 those acts.

178 (h) The right to know whether political advertisements,  
179 electioneering communications, or similar advertisements were  
180 created in whole or in part with the use of artificial  
181 intelligence.

182 (i) The right to pursue civil remedies authorized by law  
183 against others who use artificial intelligence to slander,  
184 libel, or defame them.

185 (2) Floridians may exercise the rights described in this  
186 section in accordance with existing law. This section may not be  
187 construed as creating new or independent rights or entitlements.

188 **Section 5. Section 501.9983, Florida Statutes, is created**  
189 **to read:**

190 501.9983 Definitions.—As used in this part, the term:

191 (1) "Account holder" means an individual who opens an  
192 account or creates a profile or is identified by the companion  
193 chatbot platform by a unique identifier while he or she is using  
194 or accessing the platform, if the platform knows or has reason  
195 to believe the individual is a resident of this state.

196 (2) "Artificial intelligence" means an engineered or  
197 machine-based system that varies in its level of autonomy and  
198 that can, for explicit or implicit objectives, infer from the  
199 input it receives how to generate outputs that influence  
200 physical or virtual environments.

201       (3) "Artificial intelligence technology company" means a  
202       business or organization that produces, develops, creates,  
203       designs, or manufactures artificial intelligence technology or  
204       products, collects data for use in artificial intelligence  
205       products, or implements artificial intelligence technology.

206       (4) "Bot" means an automated online software application  
207       in which all or substantially all of the actions or posts of the  
208       account are not the result of a natural person.

209       (5) "Companion chatbot" means an artificial intelligence  
210       system with a natural language interface that provides adaptive,  
211       human-like responses to user inputs and is capable of meeting a  
212       user's social needs, including by exhibiting anthropomorphic  
213       features and being able to sustain a relationship across  
214       multiple interactions. The term does not include:

215       (a) A chatbot used only for customer service, a business's  
216       operational purposes, productivity and analysis related to  
217       source information, internal research, or technical assistance;

218       (b) A chatbot that is a feature of a video game and is  
219       limited to replies related to the video game and does not  
220       discuss topics related to mental health, self-harm, or material  
221       harmful to minors or maintain a dialogue on other topics  
222       unrelated to the video game; or

223       (c) A stand-alone consumer electronic device that  
224       functions as a speaker and voice command interface, acts as a  
225       voice-activated virtual assistant, and does not sustain a

226 relationship across multiple interactions or generate outputs  
227 likely to elicit emotional responses in the user.

228 (6) "Companion chatbot platform" means a platform that  
229 allows a user to engage with companion chatbots.

230 (7) "Deidentified data" means data that cannot reasonably  
231 be linked to an identified or identifiable individual or a  
232 device linked to that individual.

233 (8) "Department" means the Department of Legal Affairs.

234 (9) "Material harmful to minors" has the same meaning as  
235 in s. 501.1737(1).

236 (10) "Minor" means any person 17 years of age or younger.

237 (11) "Operator" means a person who owns, operates, or  
238 otherwise makes available a bot to individuals in this state.

239 (12) "Pop-up" means a visible notification on the  
240 computer, tablet, or smartphone screen of a user which may be  
241 resolved if the user interacts with or responds to the  
242 notification.

243 (13) "Resident" means an individual who has resided in  
244 this state for more than 6 months during the preceding 12-month  
245 period.

246 (14) "User" means an individual who resides or is  
247 domiciled in this state and who accesses an Internet website,  
248 online or cloud-computing service, online application, or mobile  
249 application.

250 (15) "Video game" means a game played on an electronic

251 amusement device that uses a computer, microprocessor, or  
252 similar electronic circuitry and its own monitor, or is designed  
253 to be used with a television set or a computer monitor, to  
254 interact with the user of the device.

255 **Section 6. Section 501.9984, Florida Statutes, is created**  
256 **to read:**

257 501.9984 Companion chatbot use for minors.—

258 (1) A companion chatbot platform shall prohibit a minor  
259 from entering into a contract with the platform to become an  
260 account holder or from maintaining an existing account, unless  
261 the minor's parent or guardian provides consent for the minor to  
262 become an account holder or maintain an existing account.

263 (a) If the minor's parent or guardian provides consent for  
264 the minor to become an account holder or maintain an existing  
265 account, the companion chatbot platform must allow the  
266 consenting parent or guardian of the minor account holder to:

267 1. Receive copies of all past or present interactions  
268 between the account holder and the companion chatbot;  
269 2. Limit the amount of time that the account holder may  
270 interact with the companion chatbot each day;  
271 3. Limit the days of the week and the times during the day  
272 when the account holder may interact with the companion chatbot;  
273 4. Disable any of the interactions between the account  
274 holder and third-party account holders on the companion chatbot  
275 platform; and

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276       5. Receive timely notifications if the account holder  
277       expresses to the companion chatbot a desire or an intent to  
278       engage in self-harm or to harm others.

279       (b) A companion chatbot platform shall do all of the  
280       following:

281       1. Terminate any account belonging to an account holder  
282       who is a minor if the companion chatbot platform treats or  
283       categorizes the account as belonging to a minor for purposes of  
284       targeting content or advertising and if the minor's parent or  
285       guardian has not provided consent for the minor to become an  
286       account holder or to maintain an existing account. The companion  
287       chatbot platform shall provide 90 days for the account holder to  
288       dispute the termination. Termination must be effective upon the  
289       expiration of the 90 days if the account holder fails to  
290       effectively dispute the termination.

291       2. Allow an account holder who is a minor to request to  
292       terminate the account. Termination must be effective within 5  
293       business days after the request.

294       3. Allow the consenting parent or guardian of an account  
295       holder who is a minor to request that the minor's account be  
296       terminated. Termination must be effective within 10 business  
297       days after the request.

298       4. Permanently delete all personal information held by the  
299       companion chatbot platform relating to the terminated account,  
300       unless state or federal law requires the platform to maintain

301 the information.

302 (2) In connection with all accounts held by account  
303 holders who are minors, the companion chatbot platform shall do  
304 all of the following:

305 (a) Disclose to the account holder that he or she is  
306 interacting with artificial intelligence.

307 (b) Provide by default a clear and conspicuous  
308 notification to the account holder, at the beginning of  
309 companion chatbot interactions and at least once every hour  
310 during continuing interactions, reminding the minor to take a  
311 break and that the companion chatbot is artificially generated  
312 and not human.

313 (c) Institute reasonable measures to prevent its companion  
314 chatbot from producing or sharing materials harmful to minors or  
315 encouraging the account holder to engage in any of the conduct  
316 described or depicted in materials harmful to minors.

317 (3) A knowing or reckless violation of this section is  
318 deemed a deceptive or unfair trade practice or act actionable  
319 under part II of this chapter solely by the department against a  
320 companion chatbot platform. If the department has reason to  
321 believe that a companion chatbot platform is in violation of  
322 this section, the department, as the enforcing authority, may  
323 bring an action against such platform for a deceptive or unfair  
324 trade practice or act. For the purpose of bringing an action  
325 pursuant to this section, ss. 501.211 and 501.212 do not apply.

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326     In addition to other remedies under part II of this chapter, the  
327     department may collect a civil penalty of up to \$50,000 per  
328     violation and reasonable attorney fees and court costs. If the  
329     companion chatbot platform's failure to comply with this section  
330     is part of a consistent pattern of knowing or reckless conduct,  
331     punitive damages may be assessed against the companion chatbot  
332     platform.

333         (4) (a) A companion chatbot platform that knowingly or  
334     recklessly violates this section is liable to a minor account  
335     holder for up to \$10,000 in damages plus court costs and  
336     reasonable attorney fees as ordered by the court.

337         (b) A civil action for a claim under this subsection must  
338     be brought within 1 year after the date the complainant knew, or  
339     reasonably should have known, of the alleged violation.

340         (c) An action brought under this subsection may be brought  
341     only on behalf of a minor account holder.

342         (5) For purposes of bringing an action under this section,  
343     a companion chatbot platform that allows a minor account holder  
344     in this state to create an account on the platform is considered  
345     to be both engaged in substantial and not isolated activities  
346     within this state and operating, conducting, engaging in, or  
347     carrying on a business and doing business in this state, and is  
348     therefore subject to the jurisdiction of the courts of this  
349     state.

350         (6) If a companion chatbot platform allows a minor account

351 holder to use the companion chatbot platform, the parties have  
352 entered into a contract.

353 (7) This section does not preclude any other available  
354 remedy at law or equity.

355 (8) The department may adopt rules to implement this  
356 section.

357 **Section 7. Section 501.9985, Florida Statutes, is created**  
358 **to read:**

359 501.9985 Consumer protections regarding bots.—

360 (1) At the beginning of an interaction between a user and  
361 a bot, and at least once every hour during the interaction, an  
362 operator shall display a pop-up message notifying users that  
363 they are not engaging in dialogue with a human counterpart.

364 (2) A violation of this section is deemed a deceptive or  
365 unfair trade practice or act actionable under part II of this  
366 chapter solely by the department on behalf of a user of a bot.  
367 If the department has reason to believe that an operator is in  
368 violation of this section, the department, as the enforcing  
369 authority, may bring an action against the operator for a  
370 deceptive or unfair trade practice or act. For the purpose of  
371 bringing an action pursuant to this section, ss. 501.211 and  
372 501.212 do not apply. In addition to any other remedy under part  
373 II of this chapter, the department may collect a civil penalty  
374 of up to \$50,000 per violation and reasonable attorney fees and  
375 court costs.

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376        (3) This section does not preclude any other available  
377 remedy at law or equity.

378        (4) For purposes of bringing an action pursuant to this  
379 section, a person who meets the definition of an operator that  
380 owns, operates, or otherwise makes available a bot to  
381 individuals in this state is considered to be both engaged in  
382 substantial and not isolated activities within this state and  
383 operating, conducting, engaging in, or carrying on a business,  
384 and doing business in this state, and is therefore subject to  
385 the jurisdiction of the courts of this state.

386        (5) The department may adopt rules to implement this  
387 section.

388        **Section 8. Section 501.9986, Florida Statutes, is created**  
389 **to read:**

390        501.9986 Consumer protections regarding deidentified  
391 data.—

392        (1) An artificial intelligence technology company may not  
393 sell or disclose personal information of users unless the  
394 information is deidentified data.

395        (2) An artificial intelligence technology company in  
396 possession of deidentified data shall do all of the following:

397        (a) Take reasonable measures to ensure that the data  
398 cannot be associated with an individual.

399        (b) Maintain and use the data in deidentified form. An  
400 artificial intelligence technology company may not attempt to

401 reidentify the data, except that the artificial intelligence  
402 technology company may attempt to reidentify the data solely for  
403 the purpose of determining whether its deidentification  
404 processes satisfy the requirements of this section.

405 (c) Contractually obligate a recipient of the deidentified  
406 data to comply with this section.

407 (d) Implement business processes to prevent the  
408 inadvertent release of deidentified data.

409 (3) A violation of this section is deemed a deceptive or  
410 unfair trade practice or act actionable under part II of this  
411 chapter solely by the department. If the department has reason  
412 to believe that an artificial intelligence technology company is  
413 in violation of this section, the department, as the enforcing  
414 authority, may bring an action against the artificial  
415 intelligence technology company for a deceptive or unfair trade  
416 practice or act. For the purpose of bringing an action pursuant  
417 to this section, ss. 501.211 and 501.212 do not apply. In  
418 addition to any other remedy under part II of this chapter, the  
419 department may collect a civil penalty of up to \$50,000 per  
420 violation and reasonable attorney fees and court costs.

421 (4) For purposes of bringing an action pursuant to this  
422 section, a person who meets the definition of an artificial  
423 intelligence technology company that produces, develops,  
424 creates, designs, or manufactures artificial intelligence  
425 technology or products, collects data for use in artificial

426 intelligence products, or implements artificial intelligence  
427 technology in this state is considered to be both engaged in  
428 substantial and not isolated activities within this state and  
429 operating, conducting, engaging in, or carrying on a business,  
430 and doing business in this state, and is therefore subject to  
431 the jurisdiction of the courts of this state.

432 (5) The department may adopt rules to implement this  
433 section.

434 **Section 9. Section 501.9987, Florida Statutes, is created**  
435 **to read:**

436 501.9987 Investigations.—

437 (1) If, by its own inquiry or as a result of complaints,  
438 the department has reason to believe that a person has engaged  
439 in, or is engaging in, a practice or an act that violates this  
440 part, the department may administer oaths and affirmations,  
441 subpoena witnesses or matter, and collect evidence. Within 5  
442 days, excluding weekends and legal holidays, after service of a  
443 subpoena or at any time before the return date specified in the  
444 subpoena, whichever time period is longer, the party served may  
445 file in the circuit court in the county in which it resides or  
446 in which it transacts business and serve upon the enforcing  
447 authority a petition for an order modifying or setting aside the  
448 subpoena. The petitioner may raise any objection or privilege  
449 that would be available upon service of a subpoena in a civil  
450 action. The subpoena must inform the party served of the party's

451     rights under this subsection.

452         (2)    If the matter that the department seeks to obtain by  
453    subpoena is located outside this state, the person subpoenaed  
454   may make the matter available to the department or its  
455   representative at the place where it is located. The department  
456   may designate representatives, including officials of the state  
457   in which the matter is located, to inspect the matter on its  
458   behalf and may respond to similar requests from officials of  
459   other states.

460         (3)    Upon the failure of a person, without lawful excuse,  
461   to obey a subpoena and upon reasonable notice to all persons  
462   affected, the department may apply to the circuit court for an  
463   order compelling compliance.

464         (4)    The department may request that a person who refuses  
465   to comply with a subpoena on the grounds that the testimony or  
466   matter may be self-incriminating be ordered by the court to  
467   provide the testimony or matter. Except in a prosecution for  
468   perjury, a person who complies with a court order to provide  
469   testimony or matter after asserting a valid privilege against  
470   self-incrimination may not have the testimony or matter so  
471   provided, or evidence derived from the testimony or matter,  
472   received against the person in any criminal investigation or  
473   proceeding.

474         (5)    A person upon whom a subpoena is served pursuant to  
475   this part must comply with its terms unless otherwise provided

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476 by order of the court. A person who fails to appear, with the  
477 intent to avoid, evade, or prevent compliance in whole or in  
478 part with an investigation under this part, or who removes from  
479 any place, conceals, withholds, mutilates, alters, or destroys,  
480 or by any other means falsifies any documentary material in the  
481 possession, custody, or control of a person subject to a  
482 subpoena, or who knowingly conceals relevant information with  
483 the intent to avoid, evade, or prevent compliance, is liable for  
484 a civil penalty of not more than \$5,000 per week in violation,  
485 reasonable attorney fees, and costs.

486 (6) The department may adopt rules to implement this  
487 section.

488 **Section 10. Section 540.08, Florida Statutes, is amended**  
489 **to read:**

490 540.08 Unauthorized publication of name, image, or  
491 likeness.—

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

493 (a) "Generative artificial intelligence" means a machine-  
494 based system that can, for a given set of human-defined  
495 objectives, emulate the structure and characteristics of input  
496 data in order to generate derived synthetic content, including  
497 images, videos, audio, text, and other digital content.

498 (b) "Person" has the same meaning as in s. 1.01(3) but  
499 also includes a government or a governmental subdivision,  
500 agency, instrumentality, or public corporation.

501       (c) "Servicemember" has the same meaning as in s. 250.01  
502 and includes any officer or enlisted member who died from  
503 service-connected causes while on active duty.

504       (d) "Surviving children" means an individual's immediate  
505 offspring and any children legally adopted by the individual.

506       (e) "Surviving spouse" means an individual's surviving  
507 spouse under the law of the individual's domicile at the time of  
508 the individual's death, regardless of whether the spouse later  
509 remarried.

510       (2) A person may not publish, print, display, or otherwise  
511 publicly use for trade or for any commercial or advertising  
512 purpose the name, portrait, photograph, image, or other likeness  
513 of an individual created through generative artificial  
514 intelligence without the express written or oral consent to such  
515 use given by any of the following:

516       (a) The individual.

517       (b) Any other person authorized in writing by the  
518 individual to license the commercial use of the individual's  
519 name, image, or likeness.

520       (c) If the individual is deceased:

521       1. A person authorized in writing to license the  
522 commercial use of the individual's name, image, or likeness; or

523       2. If a person is not authorized, any one individual from  
524 a class composed of the deceased individual's surviving spouse  
525 and surviving children. A legal parent or guardian may give

526 consent on behalf of a minor surviving child.

527 (3) A ~~No~~ person may not ~~shall~~ publish, print, display or  
528 otherwise publicly use for purposes of trade or for any  
529 commercial or advertising purpose the name, portrait,  
530 photograph, image, or other likeness of an individual ~~any~~  
531 ~~natural person~~ without the express written or oral consent to  
532 such use given by any of the following:

533 (a) The individual. Such person; or

534 (b) Any other person, ~~firm or corporation~~ authorized in  
535 writing by the individual ~~such person~~ to license the commercial  
536 use of the individual's her or his name, image, or likeness; or

537 (c) If the individual ~~such person~~ is deceased:

538 1. A ~~any~~ person, ~~firm or corporation~~ authorized in writing  
539 to license the commercial use of the deceased individual's her  
540 ~~or his name, image, or likeness~~; or

541 2. If a ~~no~~ person, ~~firm or corporation~~ is not ~~so~~  
542 authorized, ~~then by~~ any one individual from ~~among~~ a class  
543 composed of the individual's her or his surviving spouse and  
544 surviving children. A legal parent or guardian may give consent  
545 on behalf of a minor surviving child.

546 (4) ~~(2)~~ If ~~In the event~~ the consent required in subsection  
547 (2) or subsection (3) ~~(1)~~ is not obtained, the individual ~~person~~  
548 whose name, portrait, photograph, image, or other likeness is ~~so~~  
549 used, or a ~~any~~ person, ~~firm, or corporation~~ authorized by the  
550 ~~individual~~ such person in writing to license the commercial use

551 of the individual's her or his name, image, or likeness, or, if  
552 the individual person whose likeness is used is deceased, a any  
553 person, firm, or corporation having the right to give such  
554 consent, as provided in subsection (2) or subsection (3)  
555 hereinabove, may bring an action to enjoin the such unauthorized  
556 publication, printing, display, or other public use, and to  
557 recover damages for any loss or injury resulting from the  
558 unauthorized publication sustained by reason thereof, including  
559 an amount that which would have been a reasonable royalty, and  
560 punitive or exemplary damages.

561 (5)-(3) If a person uses the name, portrait, photograph,  
562 image, or other likeness of a servicemember member of the armed  
563 forces without obtaining the consent required in subsection (2)  
564 or subsection (3) (1) and the such use is not subject to an any  
565 exception listed in this section, a court may impose a civil  
566 penalty of up to \$1,000 per violation in addition to the civil  
567 remedies contained in subsection (4) (2). Each commercial  
568 transaction constitutes a violation under this section. As used  
569 in this section, the term "member of the armed forces" means an  
570 officer or enlisted member of the Army, Navy, Air Force, Marine  
571 Corps, Space Force, or Coast Guard of the United States, the  
572 Florida National Guard, and the United States Reserve Forces,  
573 including any officer or enlisted member who died as a result of  
574 injuries sustained in the line of duty.

575 (6)-(4) The provisions of This section does shall not apply

576 to any of the following:

577 (a) The publication, printing, display, or use of the  
578 name, image, or likeness of an individual ~~any person~~ in a ~~a~~ any  
579 newspaper, magazine, book, news broadcast or telecast, or other  
580 news medium or publication if used as part of a ~~a~~ any bona fide  
581 news report or presentation having a current and legitimate  
582 public interest and if the ~~where~~ such name, image, or likeness  
583 is not used for advertising purposes.~~;~~

584 (b) The use of an individual's ~~such~~ name, portrait,  
585 photograph, image, or other likeness in connection with the  
586 resale or other distribution of literary, musical, or artistic  
587 productions or other articles of merchandise or property with  
588 the individual's consent ~~where such person has consented to the~~  
589 ~~use of her or his name, portrait, photograph, or likeness on or~~  
590 in connection with the initial sale or distribution of the  
591 productions, articles, or merchandise. ~~thereof; or~~

592 (c) A ~~Any~~ photograph of an individual ~~a person~~ solely as a  
593 member of the public if the individual ~~and where such person~~ is  
594 not named or otherwise identified in or in connection with the  
595 use of the ~~such~~ photograph.

596 (7)(5) An ~~No~~ action may not ~~shall~~ be brought under this  
597 section by reason of a ~~a~~ any publication, printing, display, or  
598 other public use of the name, image, or likeness of an  
599 individual ~~a person~~ occurring more than ~~after the expiration of~~  
600 40 years ~~from and~~ after the death of the individual ~~such person~~.

601       (6) As used in this section, a person's "surviving spouse"  
602 is the person's surviving spouse under the law of her or his  
603 domicile at the time of her or his death, whether or not the  
604 spouse has later remarried; and a person's "children" are her or  
605 his immediate offspring and any children legally adopted by the  
606 person. Any consent provided for in subsection (1) shall be  
607 given on behalf of a minor by the guardian of her or his person  
608 or by either parent.

609       (8)(7) The remedies provided for in this section are shall  
610 be in addition to and not in limitation of the remedies and  
611 rights of any person under the common law against the invasion  
612 of her or his privacy.

613       **Section 11. For the purpose of incorporating the amendment  
614 made by this act to section 540.08, Florida Statutes, in a  
615 reference thereto, section 540.10, Florida Statutes, is  
616 reenacted to read:**

617       540.10 Exemption of news media from liability.—No relief  
618 may be obtained under s. 540.08 or s. 540.09, against any  
619 broadcaster, publisher or distributor broadcasting, publishing  
620 or distributing paid advertising matter by radio or television  
621 or in a newspaper, magazine, or similar periodical without  
622 knowledge or notice that any consent required by s. 540.08 or s.  
623 540.09, in connection with such advertising matter has not been  
624 obtained, except an injunction against the presentation of such  
625 advertising matter in future broadcasts or in future issues of

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626 such newspaper, magazine, or similar periodical.

627 **Section 12. For the purpose of incorporating the amendment**  
628 **made by this act to section 540.08, Florida Statutes, in a**  
629 **reference thereto, paragraph (c) of subsection (1) of section**  
630 **743.08, Florida Statutes, is reenacted to read:**

631 743.08 Removal of disabilities of minors; artistic or  
632 creative services; professional sports contracts; judicial  
633 approval.—

634 (1) A contract made by a minor or made by a parent or  
635 guardian of a minor, or a contract proposed to be so made, may  
636 be approved by the probate division of the circuit court or any  
637 other division of the circuit court that has guardianship  
638 jurisdiction, where the minor is a resident of this state or the  
639 services of the minor are to be performed or rendered in this  
640 state, where the contract sought to be approved is one under  
641 which:

642 (c) The minor will endorse a product or service, or in any  
643 other way receive compensation for the use of right of publicity  
644 of the minor as that right is defined by s. 540.08.

645 **Section 13.** This act shall take effect July 1, 2026.