

1 A bill to be entitled
2 An act relating to artificial intelligence; amending
3 s. 287.138, F.S.; defining the term "artificial
4 intelligence"; prohibiting a governmental entity from
5 extending or renewing a contract with specified
6 entities; prohibiting a local governmental entity from
7 taking certain actions relating to contracting with an
8 entity to provide artificial intelligence technology,
9 software, or products unless certain requirements are
10 completed; prohibiting a governmental entity from
11 entering into a contract with an entity for artificial
12 intelligence technology, software, or products if
13 certain conditions are met; providing a directive to
14 the Division of Law Revision; creating part IX of ch.
15 501, F.S., to be entitled the "Artificial Intelligence
16 Bill of Rights"; creating s. 501.9981, F.S.; providing
17 a short title; creating s. 501.9982, F.S.; providing
18 the rights of Floridians relating to the use of
19 artificial intelligence; authorizing Floridians to
20 exercise certain rights; providing construction;
21 creating s. 501.9983, F.S.; defining terms; creating
22 s. 501.9984, F.S.; requiring companion chatbot
23 platforms to prohibit a minor from creating new or
24 maintaining existing accounts unless the minor's
25 parent or guardian consents; requiring companion

26 chatbot platforms to provide the minor's parent or
27 guardian certain options; requiring companion chatbot
28 platforms to terminate certain accounts and provide
29 certain options; requiring companion chatbot platforms
30 to make certain disclosures and institute certain
31 measures to prevent their companion chatbots from
32 producing or sharing materials harmful to minors;
33 providing that violations are deceptive or unfair
34 trade practices; authorizing the Department of Legal
35 Affairs to bring actions under the Florida Deceptive
36 and Unfair Trade Practices Act for knowing or reckless
37 violations; authorizing the department to issue and
38 enforce civil investigative demands under certain
39 circumstances; providing civil penalties; authorizing
40 punitive damages under certain circumstances;
41 providing for private causes of action; requiring that
42 such actions be brought within a specified timeframe;
43 providing that certain companion chatbot platforms are
44 subject to the jurisdiction of state courts;
45 specifying requirements for contract formation;
46 providing construction; authorizing the department to
47 adopt rules; creating s. 501.9985, F.S.; requiring bot
48 operators to periodically provide a certain
49 notification to a user; authorizing the department to
50 bring actions under the Florida Deceptive and Unfair

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.;

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

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

Section 1. Present paragraphs (a) through (d) of subsection (1) and present subsection (7) of section 287.138, Florida Statutes, are redesignated as paragraphs (b) through (e) of subsection (1) and subsection (8), respectively, a new paragraph (a) is added to subsection (1), a new subsection (7) is added to that section, and subsection (3) of that section is 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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

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.

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

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

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

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

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

501.9985 Consumer protections regarding bots.—

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

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

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

intelligence products, or implements artificial intelligence technology in this state 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, and is therefore subject to the jurisdiction of the courts of this state.

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

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

501.9987 Investigations.—

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

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

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

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

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

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

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

(b) "Person" has the same meaning as in s. 1.01(3) but also includes a government or a governmental subdivision, 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

consent on behalf of a minor surviving child.

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

(a) The individual. ~~Such person; or~~

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

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

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

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

~~(4)(2)~~ If ~~In the event~~ the consent required in subsection (2) or subsection (3) ~~(1)~~ is not obtained, the individual ~~person~~ whose name, portrait, photograph, image, or other likeness is ~~so~~ used, or a ~~any~~ person, ~~firm, or corporation~~ authorized by the 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 ~~any~~
579 newspaper, magazine, book, news broadcast or telecast, or other
580 news medium or publication if used as part of 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 ~~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~~.

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

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

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

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

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.