

By Senator Leek

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A bill to be entitled

An act relating to the Artificial Intelligence Bill of Rights; 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 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

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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 Trade Practices Act for violations; authorizing the department to issue and enforce civil investigative demands under certain circumstances; providing civil penalties; providing construction; providing that certain bot operators are subject to the jurisdiction of state courts; authorizing the department to adopt rules; creating s. 501.9986, F.S.; prohibiting artificial intelligence

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technology companies from selling or disclosing the personal information of users unless the information is deidentified data; requiring artificial intelligence technology companies in possession of deidentified data to take certain measures to ensure such data remains deidentified; authorizing the Department of Legal Affairs to bring actions under the Florida Deceptive and Unfair Trade Practices Act for violations; authorizing the department to issue and enforce civil investigative demands under certain circumstances; providing civil penalties; providing that certain artificial intelligence technology companies are subject to the jurisdiction of state courts; authorizing the department to adopt rules; creating s. 501.9987, F.S.; authorizing the department to take certain investigative and compliance actions in connection 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

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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:

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

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

(a) "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.

(3)(a) Beginning July 1, 2025, a governmental entity may not extend or renew a contract with an entity listed in paragraphs (2)(a)-(c) if the contract would give such entity access to an individual's personal identifying information. Beginning July 1, 2026, a governmental entity may not extend or renew a contract with an entity listed in paragraph (7)(a), paragraph (7)(b), or paragraph (7)(c).

(b) Beginning July 1, 2026, a governmental entity may not

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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

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to read:

501.9982 Rights relating to the use of artificial intelligence.—

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

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

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

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

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

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

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

(g) The right to be protected by law from criminal acts relating to the alteration of existing images to create sexual

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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.

(3) "Artificial intelligence technology company" means a business or organization that produces, develops, creates, designs, or manufactures artificial intelligence technology or

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products, collects data for use in artificial intelligence products, or implements artificial intelligence technology.

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

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

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

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

(c) A stand-alone consumer electronic device that functions as a speaker and voice command interface, acts as a 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.



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

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

501.9984 Companion chatbot use for minors.—

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

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

1. Receive copies of all past or present interactions between the account holder and the companion chatbot;

2. Limit the amount of time that the account holder may interact with the companion chatbot each day;

3. Limit the days of the week and the times during the day when the account holder may interact with the companion chatbot;

4. Disable any of the interactions between the account holder and third-party account holders on the companion chatbot platform; and

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

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

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

2. Allow an account holder who is a minor to request to

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291 terminate the account. Termination must be effective within 5  
292 business days after the request.

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

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

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

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

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

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

315 (3) A knowing or reckless violation of this section is  
316 deemed a deceptive or unfair trade practice or act actionable  
317 under part II of this chapter solely by the department against a  
318 companion chatbot platform. If the department has reason to  
319 believe that a companion chatbot platform is in violation of

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320 this section, the department, as the enforcing authority, may  
321 bring an action against such platform for a deceptive or unfair  
322 trade practice or act. For the purpose of bringing an action  
323 pursuant to this section, ss. 501.211 and 501.212 do not apply.  
324 In addition to other remedies under part II of this chapter, the  
325 department may collect a civil penalty of up to \$50,000 per  
326 violation and reasonable attorney fees and court costs. If the  
327 companion chatbot platform's failure to comply with this section  
328 is part of a consistent pattern of knowing or reckless conduct,  
329 punitive damages may be assessed against the companion chatbot  
330 platform.

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

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

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

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

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

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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.

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

(4) For purposes of bringing an action pursuant to this section, a person who meets the definition of an operator that

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owns, operates, or otherwise makes available a bot to individuals 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 8. Section 501.9986, Florida Statutes, is created to read:

501.9986 Consumer protections regarding deidentified data.—

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

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

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

(b) Maintain and use the data in deidentified form. An artificial intelligence technology company may not attempt to reidentify the data, except that the artificial intelligence technology company may attempt to reidentify the data solely for the purpose of determining whether its deidentification processes satisfy the requirements of this section.

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

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

(3) A violation of this section is deemed a deceptive or

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unfair trade practice or act actionable under part II of this chapter solely by the department. If the department has reason to believe that an artificial intelligence technology company is in violation of this section, the department, as the enforcing authority, may bring an action against the artificial intelligence technology company 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.

(4) For purposes of bringing an action pursuant to this section, a person who meets the definition of an artificial intelligence technology company that produces, develops, creates, designs, or manufactures artificial intelligence 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

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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 rights under this subsection.

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

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

(4) The department may request that a person who refuses to comply with a subpoena on the grounds that the testimony or matter may be self-incriminating be ordered by the court to provide the testimony or matter. Except in a prosecution for



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perjury, a person who complies with a court order to provide testimony or matter after asserting a valid privilege against self-incrimination may not have the testimony or matter so provided, or evidence derived from the testimony or matter, received against the person in any criminal investigation or proceeding.

(5) A person upon whom a subpoena is served pursuant to 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

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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.

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

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

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

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

(a) The individual.

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

(c) If the individual is deceased:

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

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

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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 of the individual's ~~her or his~~ name, image, or likeness, or, if the individual ~~person~~ whose likeness is used is deceased, a ~~any~~ person, ~~firm, or corporation~~ having the right to give ~~such~~ consent, as provided in subsection (2) or subsection (3)

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hereinabove, may bring an action to enjoin the ~~such~~ unauthorized publication, printing, display, or other public use, and to recover damages for any loss or injury resulting from the unauthorized publication ~~sustained by reason thereof~~, including an amount that ~~which~~ would have been a reasonable royalty, and punitive or exemplary damages.

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

(6) ~~(4)~~ The provisions of This section does ~~shall~~ not apply to any of the following:

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

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

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

~~(7)-(5)~~ An ~~No~~ action may not ~~shall~~ be brought under this section by reason of a ~~any~~ publication, printing, display, or other public use of the name, image, or likeness of an individual ~~a person~~ occurring more than ~~after the expiration of~~ 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.

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

614 540.10 Exemption of news media from liability.—No relief  
615 may be obtained under s. 540.08 or s. 540.09, against any  
616 broadcaster, publisher or distributor broadcasting, publishing  
617 or distributing paid advertising matter by radio or television  
618 or in a newspaper, magazine, or similar periodical without  
619 knowledge or notice that any consent required by s. 540.08 or s.  
620 540.09, in connection with such advertising matter has not been  
621 obtained, except an injunction against the presentation of such  
622 advertising matter in future broadcasts or in future issues of  
623 such newspaper, magazine, or similar periodical.

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

628 743.08 Removal of disabilities of minors; artistic or  
629 creative services; professional sports contracts; judicial  
630 approval.—

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

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

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