

By the Committee on Appropriations; and Senator Leek

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

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30 to terminate certain accounts or identifiers and  
31 provide certain options; requiring companion chatbot  
32 platforms to make certain disclosures and institute  
33 certain measures to prevent their companion chatbots  
34 from producing or sharing materials harmful to minors;  
35 providing that knowing or reckless violations are  
36 deceptive or unfair trade practices or acts;  
37 authorizing the Department of Legal Affairs to bring  
38 actions under the Florida Deceptive and Unfair Trade  
39 Practices Act for such violations; providing civil  
40 penalties; authorizing punitive damages under certain  
41 circumstances; authorizing the department to grant  
42 companion chatbot platforms a specified timeframe in  
43 which to cure an alleged violation and to issue a  
44 certain letter of guidance upon notification of an  
45 alleged violation; authorizing the department to  
46 consider certain information when making such  
47 determination; providing applicability; authorizing  
48 the companion chatbot platform to provide certain  
49 information to the department in the event of an  
50 alleged violation of certain requirements; prohibiting  
51 the department from bringing an action against a  
52 companion chatbot platform under certain  
53 circumstances; authorizing the department to issue a  
54 certain letter of guidance; authorizing the department  
55 to bring an action against a companion chatbot  
56 platform that fails to cure an alleged violation;  
57 providing liability for knowing or reckless violations  
58 of specified provisions; providing requirements for an

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59 action brought pursuant to the act; providing that  
60 certain companion chatbot platforms are subject to the  
61 jurisdiction of state courts; providing construction;  
62 authorizing the department to adopt rules; creating s.  
63 501.9985, F.S.; requiring bot operators to  
64 periodically provide a certain notification to a user;  
65 providing applicability; authorizing the department to  
66 bring actions under the Florida Deceptive and Unfair  
67 Trade Practices Act for violations; providing civil  
68 penalties; authorizing the department to grant an  
69 operator a specified timeframe in which to cure an  
70 alleged violation and to issue a certain letter of  
71 guidance; authorizing the department to consider  
72 certain information when making such determination;  
73 authorizing the operator to provide certain  
74 information to the department in the event of an  
75 alleged violation of certain requirements; prohibiting  
76 the department from bringing an action against an  
77 operator under certain circumstances; authorizing the  
78 department to issue a certain letter of guidance;  
79 authorizing the department to bring an action against  
80 an operator who fails to cure an alleged violation;  
81 providing that certain bot operators are subject to  
82 the jurisdiction of state courts; authorizing the  
83 department to adopt rules; creating s. 501.9986, F.S.;  
84 prohibiting artificial intelligence technology  
85 companies from selling or disclosing the personal  
86 information of users unless the information is  
87 deidentified data; requiring artificial intelligence

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88 technology companies in possession of deidentified  
89 data to take specified measures to ensure such data  
90 remains deidentified; authorizing the department to  
91 bring actions under the Florida Deceptive and Unfair  
92 Trade Practices Act for violations; providing civil  
93 penalties; authorizing the department to grant an  
94 artificial intelligence technology company a specified  
95 timeframe in which to cure an alleged violation and to  
96 issue a certain letter of guidance; authorizing the  
97 department to consider certain information when making  
98 such determination; authorizing the artificial  
99 intelligence technology company to provide certain  
100 information to the department in the event of an  
101 alleged violation of certain requirements; prohibiting  
102 the department from bringing an action against an  
103 artificial intelligence technology company under  
104 certain circumstances; authorizing the department to  
105 issue a certain letter of guidance; authorizing the  
106 department to bring an action against an artificial  
107 intelligence company that fails to cure an alleged  
108 violation; providing that certain artificial  
109 intelligence technology companies are subject to the  
110 jurisdiction of state courts; authorizing the  
111 department to adopt rules; creating s. 501.9987, F.S.;  
112 authorizing the department to take certain  
113 investigative and compliance actions in connection  
114 with potential violations of specified provisions;  
115 authorizing the department to adopt rules; amending s.  
116 540.08, F.S.; defining terms; prohibiting the

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117 commercial use of an individual's name, image, or  
118 likeness created through artificial intelligence  
119 without the individual's or an authorized individual's  
120 consent; providing requirements for the use of the  
121 name, image, or likeness of deceased persons;  
122 providing penalties for the use of the name, image, or  
123 likeness of a servicemember; providing applicability;  
124 conforming provisions to changes made by the act;  
125 amending s. 1002.42, F.S.; requiring certain private  
126 schools to comply with specified provisions; creating  
127 s. 1006.1495, F.S.; defining terms; requiring an  
128 educational entity to provide parents with specified  
129 notice before providing a student with access to an  
130 artificial intelligence instructional tool; requiring  
131 a parent to be provided the opportunity to opt out of  
132 a student's use of an artificial intelligence  
133 instructional tool; providing requirements for such  
134 opt-out process; requiring a school district or public  
135 school to provide certain activities if the parent  
136 opts out of the student's use of an artificial  
137 intelligence instructional tool; requiring an operator  
138 to provide student access and simultaneous parental  
139 access to a student account for an artificial  
140 intelligence instructional tool; providing methods to  
141 satisfy certain provisions; specifying that an  
142 operator of an educational entity does not have to  
143 create or maintain a transcript or record of certain  
144 student interactions on the artificial intelligence  
145 instructional tool; providing construction; reenacting

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146 ss. 540.10 and 743.08(1)(c), F.S., relating to the  
147 exemption of news media from liability and contracts  
148 entered into by minors, respectively, to incorporate  
149 the amendment made to s. 540.08, F.S., in references  
150 thereto; providing an effective date.

151  
152 Be It Enacted by the Legislature of the State of Florida:

153  
154 Section 1. Present paragraphs (a) through (d) of subsection  
155 (1) and present subsection (7) of section 287.138, Florida  
156 Statutes, are redesignated as paragraphs (b) through (e) and  
157 subsection (8), respectively, a new paragraph (a) is added to  
158 subsection (1), a new subsection (7) is added to that section,  
159 and subsection (3) of that section is amended, to read:

160 287.138 Contracting with entities of foreign countries of  
161 concern prohibited.—

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

163 (a) "Artificial intelligence" means a machine-based system  
164 that can, for a given set of human-defined objectives, make  
165 predictions, recommendations, or decisions influencing real or  
166 virtual environments.

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

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

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175 accept a bid on, a proposal for, or a reply to, or enter into a  
176 contract with, an entity to provide artificial intelligence  
177 technology, software, or products, including as a portion or an  
178 option to the products or services provided under the contract,  
179 unless the entity provides the governmental entity with an  
180 affidavit signed by an officer or a representative of the entity  
181 under penalty of perjury attesting that the entity does not meet  
182 any of the criteria in paragraph (7) (a), paragraph (7) (b), or  
183 paragraph (7) (c).

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

188 (a) The entity is owned by the government of a foreign  
189 country of concern;

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

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

194 Section 2. The Division of Law Revision is directed to  
195 create part IX of chapter 501, Florida Statutes, consisting of  
196 ss. 501.9981, 501.9982, 501.9983, 501.9984, 501.9985, 501.9986,  
197 and 501.9987, Florida Statutes, to be entitled the "Artificial  
198 Intelligence Bill of Rights."

199 Section 3. Section 501.9981, Florida Statutes, is created  
200 to read:

201 501.9981 Short title.—This part may be cited as the  
202 "Artificial Intelligence Bill of Rights."

203 Section 4. Section 501.9982, Florida Statutes, is created

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204 to read:

205 501.9982 Rights relating to the use of artificial  
206 intelligence.-

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

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

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

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

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

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

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

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

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233 or lewd or lascivious images or child pornography, regardless of  
234 whether artificial intelligence is used in the commission of  
235 those acts.

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

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

243 (j) The right to prevent a companion chatbot from engaging  
244 with a user as a character that is protected by federal  
245 copyright law without the express written consent of the  
246 copyright owner.

247 (k) The right to prevent a companion chatbot from engaging  
248 with a user as a character that is a living individual without  
249 the express written consent of that individual.

250 (l) The right to prevent generative artificial intelligence  
251 from using a character that is protected by federal copyright  
252 law without the express written consent of the copyright owner.

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

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

258 501.9983 Definitions.—As used in this part, the term:

259 (1) "Account holder" means an individual who opens an  
260 account or creates a profile or is identified by the companion  
261 chatbot platform by a unique identifier while he or she is using

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262 or accessing the platform, if the platform knows or has reason  
263 to believe the individual is a resident of this state.

264 (2) "Artificial intelligence" means a machine-based system  
265 that can, for a given set of human-defined objectives, make  
266 predictions, recommendations, or decisions influencing real or  
267 virtual environments.

268 (3) "Artificial intelligence technology company" means a  
269 business or organization that produces, develops, creates,  
270 designs, or manufactures artificial intelligence technology or  
271 products, collects data for use in artificial intelligence  
272 products, or implements artificial intelligence technology.

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

276 (5) "Companion chatbot" means an artificial intelligence  
277 system with a natural language interface that provides adaptive,  
278 human-like responses to user inputs and is capable of meeting a  
279 user's social needs by retaining information on prior  
280 interactions or user sessions and user preferences to  
281 personalize the interaction and facilitate ongoing engagement,  
282 asking unprompted or unsolicited emotion-based questions that go  
283 beyond a direct response to a user prompt, and sustaining an  
284 ongoing dialogue personalized to the user. The term does not  
285 include:

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

290 (b) A chatbot that is a feature of a video game or theme

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291 park and is limited to replies related to the video game or  
292 theme park experience and does not discuss topics related to  
293 mental health, self-harm, or material harmful to minors or  
294 maintain a dialogue on other topics unrelated to the video game  
295 or theme park;

296 (c) A stand-alone consumer electronic device that functions  
297 as a speaker and voice command interface, acts as a voice-  
298 activated virtual assistant, and does not sustain a relationship  
299 across multiple interactions or generate outputs likely to  
300 elicit emotional responses in the user; or

301 (d) An artificial intelligence instructional tool, as  
302 defined in s. 1006.1495.

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

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

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

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

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

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

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

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

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320 (14) "Theme park" has the same meaning as the term theme  
321 park or entertainment complex as defined in s. 509.013.

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

326 (16) "Video game" means a game played on an electronic  
327 amusement device that uses a computer, microprocessor, or  
328 similar electronic circuitry and its own monitor, or is designed  
329 to be used with a television set or a computer monitor, to  
330 interact with the user of the device.

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

333 501.9984 Companion chatbot use for minors.-

334 (1) A companion chatbot platform shall prohibit a minor  
335 from becoming or being an account holder unless the minor's  
336 parent or guardian provides consent. If a companion chatbot  
337 platform allows a minor to become or be an account holder, the  
338 parties have entered into a contract.

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

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

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

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

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

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

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

357 1. Terminate any account or identifier belonging to an  
358 account holder who is a minor if the companion chatbot platform  
359 treats or categorizes the account or identifier as belonging to  
360 a minor for purposes of targeting content or advertising and if  
361 the minor's parent or guardian has not provided consent for the  
362 minor pursuant to subsection (1). The companion chatbot platform  
363 shall provide 90 days for the account holder to dispute the  
364 termination. Termination must be effective upon the expiration  
365 of the 90 days if the account holder fails to effectively  
366 dispute the termination.

367 2. Allow an account holder who is a minor to request to  
368 terminate the account or identifier. Termination must be  
369 effective within 5 business days after the request.

370 3. Allow the consenting parent or guardian of an account  
371 holder who is a minor to request that the minor's account or  
372 identifier be terminated. Termination must be effective within  
373 10 business days after the request.

374 4. Permanently delete all personal information held by the  
375 companion chatbot platform relating to the terminated minor  
376 account or identifier, unless state or federal law requires the  
377 platform to maintain the information.

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378       (2) In connection to all accounts or identifiers held by  
379 account holders who are minors, the companion chatbot platform  
380 shall do all of the following:

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

383       (b) Provide by default a clear and conspicuous notification  
384 to the account holder, at the beginning of companion chatbot  
385 interactions and at least once every hour during continuing  
386 interactions, reminding the minor to take a break and that the  
387 companion chatbot is artificially generated and not human.

388       (c) Institute reasonable measures to prevent the companion  
389 chatbot from producing or sharing materials harmful to minors or  
390 encouraging the account holder to engage in any of the conduct  
391 described or depicted in materials harmful to minors.

392       (3) A knowing or reckless violation of this section is  
393 deemed a deceptive or unfair trade practice or act actionable  
394 under part II of this chapter solely by the department against a  
395 companion chatbot platform. If the department has reason to  
396 believe that a companion chatbot platform is in violation of  
397 this section, the department, as the enforcing authority, may  
398 bring an action against such platform for a deceptive or unfair  
399 trade practice or act. In addition to other remedies under part  
400 II of this chapter, the department may collect a civil penalty  
401 of up to \$50,000 per violation and reasonable attorney fees and  
402 court costs. If the companion chatbot platform's failure to  
403 comply with this section is part of a consistent pattern of  
404 knowing or reckless conduct, punitive damages may be assessed  
405 against the companion chatbot platform.

406       (4) (a) After the department has notified a companion

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407 chatbot platform in writing of an alleged violation, the  
408 department may grant the companion chatbot platform 45 calendar  
409 days to cure the alleged violation and may issue a letter of  
410 guidance stating that the companion chatbot platform will not be  
411 offered another 45-calendar-day cure period for any future  
412 violations of this section. The department may consider the  
413 number and frequency of violations, the substantial likelihood  
414 of injury to the public, and the safety of persons or property  
415 in determining whether to grant the companion chatbot platform  
416 45 calendar days to cure and issue the letter of guidance.

417 1. The 45-calendar-day cure period does not apply to an  
418 alleged violation where the companion chatbot platform willfully  
419 or knowingly disregarded the account holder's age.

420 2. For an alleged violation of paragraph (2)(c), the  
421 companion chatbot platform may provide for the department's  
422 consideration information that shows that the reasonable  
423 measures taken by the platform include controls aligned with the  
424 latest versions of the National Institute of Standards and  
425 Technology AI Risk Management Framework, ISO 42001. Such  
426 information may include structured interaction logs, status of  
427 parental access controls, harm-signal detection and response  
428 procedures enacted, and verified deletion events.

429 (b) If the alleged violation is cured to the satisfaction  
430 of the department, and proof of such cure is provided to the  
431 department, the department may not bring an action for the  
432 alleged violation but may issue a letter of guidance stating  
433 that the companion chatbot platform will not be offered a 45-  
434 calendar-day cure period for any future violations of this  
435 section.

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436 (c) If the companion chatbot platform fails to cure the  
437 alleged violation within 45 calendar days, the department may  
438 bring an action against such companion chatbot platform for the  
439 alleged violation.

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

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

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

449 (6) For purposes of bringing an action under this section,  
450 a companion chatbot platform that allows a minor to become or be  
451 an account holder on the platform is considered to be both  
452 engaged in substantial and not isolated activities within this  
453 state and operating, conducting, engaging in, or carrying on a  
454 business, and doing business in this state, and is therefore  
455 subject to the jurisdiction of the courts of this state.

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

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

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

462 501.9985 Consumer protections regarding bots.—

463 (1) At the beginning of an interaction between a user and a  
464 bot, and at least once every hour during the interaction, an

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465 operator shall display a pop-up message or other prominent  
466 notification notifying the user or, if the interaction is not  
467 through a device with a screen, otherwise inform the user, that  
468 he or she is not engaging in dialogue with a human counterpart.  
469 This section does not apply to a bot that is used solely by  
470 employees within a business for its internal operational  
471 purposes.

472 (2) A violation of this section is deemed a deceptive or  
473 unfair trade practice or act actionable under part II of this  
474 chapter solely by the department on behalf of a user of a bot.  
475 If the department has reason to believe that an operator is in  
476 violation of this section, the department, as the enforcing  
477 authority, may bring an action against the operator for a  
478 deceptive or unfair trade practice or act. For the purpose of  
479 bringing an action pursuant to this section, ss. 501.211 and  
480 501.212 do not apply. In addition to any other remedy under part  
481 II of this chapter, the department may collect a civil penalty  
482 of up to \$50,000 per violation and reasonable attorney fees and  
483 court costs.

484 (3) (a) After the department has notified an operator in  
485 writing of an alleged violation, the department may grant the  
486 operator 45 calendar days to cure the alleged violation and may  
487 issue a letter of guidance stating that the companion chatbot  
488 platform will not be offered another 45-calendar-day cure period  
489 for any future violations. The department may consider the  
490 number and frequency of violations, the substantial likelihood  
491 of injury to the public, and the safety of persons or property  
492 in determining whether to grant an operator 45 calendar days to  
493 cure and issue the letter of guidance.

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494 (b) For an alleged violation of this section, the operator  
495 may provide for the department's consideration information that  
496 demonstrates that the operator provides persistent and  
497 conspicuous identity indicators and accessible disclosures which  
498 are in conformity with the latest versions of the National  
499 Institute of Standards and Technology AI Risk Management  
500 Framework, ISO 42001.

501 (c) If the alleged violation is cured to the satisfaction  
502 of the department and proof of such cure is provided to the  
503 department, the department may not bring an action for the  
504 alleged violation but may issue a letter of guidance that  
505 indicates that the operator will not be offered a 45-calendar-  
506 day cure period for any future violations.

507 (d) If the operator fails to cure the alleged violation  
508 within the 45-calendar-day cure period, the department may bring  
509 an action against such operator for the alleged violation.

510 (4) For purposes of bringing an action pursuant to this  
511 section, an operator that owns, operates, or otherwise makes  
512 available a bot to individuals in this state is considered to be  
513 both engaged in substantial and not isolated activities within  
514 this state and operating, conducting, engaging in, or carrying  
515 on a business, and doing business in this state, and is  
516 therefore subject to the jurisdiction of the courts of this  
517 state.

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

520 Section 8. Section 501.9986, Florida Statutes, is created  
521 to read:

522 501.9986 Consumer protections regarding deidentified data.-

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

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

528           (a) Take reasonable measures to ensure that the data cannot  
529 be associated with a user.

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

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

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

540       (3) A violation of this section is deemed a deceptive or  
541 unfair trade practice or act actionable under part II of this  
542 chapter solely by the department. If the department has reason  
543 to believe that an artificial intelligence technology company is  
544 in violation of this section, the department, as the enforcing  
545 authority, may bring an action against the artificial  
546 intelligence technology company for a deceptive or unfair trade  
547 practice or act. For the purpose of bringing an action pursuant  
548 to this section, ss. 501.211 and 501.212 do not apply. In  
549 addition to any other remedy under part II of this chapter, the  
550 department may collect a civil penalty of up to \$50,000 per  
551 violation and reasonable attorney fees and court costs.

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552 (4) (a) After the department has notified an artificial  
553 intelligence technology company in writing of an alleged  
554 violation, the department may grant the artificial intelligence  
555 technology company 45 calendar days to cure the alleged  
556 violation and may issue a letter of guidance stating that the  
557 artificial intelligence technology company will not be offered  
558 another 45-calendar-day cure period for any future violations.  
559 The department may consider the number and frequency of  
560 violations, the substantial likelihood of injury to the public,  
561 and the safety of persons or property in determining whether to  
562 grant the artificial intelligence technology company 45 calendar  
563 days to cure and issue the letter of guidance.

564 (b) For an alleged violation of this section, the  
565 artificial intelligence technology company may provide for the  
566 department's consideration information that shows that the  
567 artificial intelligence technology company maintains a risk  
568 management program that:

569 1. Validates the company's information security and privacy  
570 controls against a recognized framework aligned with the latest  
571 versions of the National Institute of Standards and Technology  
572 AI Risk Management Framework, ISO 42001; and

573 2. Includes assessed controls for deidentification,  
574 contractual flow-down, non-reidentification, inadvertent release  
575 prevention, monitoring, and auditing sufficient to demonstrate  
576 that the company is taking reasonable measures to meet the  
577 requirements of this section.

578 (c) If the alleged violation is cured to the satisfaction  
579 of the department and proof of such cure is provided to the  
580 department, the department may not bring an action for the

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581 alleged violation but may issue a letter of guidance that  
582 indicates that the artificial intelligence technology company  
583 will not be offered another 45-calendar-day cure period for any  
584 future violations.

585 (d) If the artificial intelligence technology company fails  
586 to cure the alleged violation within the 45-calendar-day cure  
587 period, the department may bring an action against such  
588 artificial intelligence technology company for the alleged  
589 violation.

590 (5) For purposes of bringing an action pursuant to this  
591 section, an artificial intelligence technology company that  
592 produces, develops, creates, designs, or manufactures artificial  
593 intelligence technology or products, collects data for use in  
594 artificial intelligence products, or implements artificial  
595 intelligence technology in this state is considered to be both  
596 engaged in substantial and not isolated activities within this  
597 state and operating, conducting, engaging in, or carrying on a  
598 business, and doing business in this state, and is therefore  
599 subject to the jurisdiction of the courts of this state.

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

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

604 501.9987 Investigations.—

605 (1) If, by its own inquiry or as a result of complaints,  
606 the department has reason to believe that a person has engaged  
607 in, or is engaging in, a practice or an act that violates this  
608 part, the department may administer oaths and affirmations,  
609 subpoena witnesses or matter, and collect evidence. Within 5

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610 days, excluding weekends and legal holidays, after service of a  
611 subpoena, or at any time before the return date specified in the  
612 subpoena, whichever time period is longer, the party served may  
613 file in the circuit court in the county in which it resides or  
614 in which it transacts business and serve upon the enforcing  
615 authority a petition for an order modifying or setting aside the  
616 subpoena. The petitioner may raise any objection or privilege  
617 that would be available upon service of a subpoena in a civil  
618 action. The subpoena must inform the party served of the party's  
619 rights under this subsection.

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

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

632 (4) The department may request that a person who refuses to  
633 comply with a subpoena on the grounds that the testimony or  
634 matter may be self-incriminating be ordered by the court to  
635 provide the testimony or matter. Except in a prosecution for  
636 perjury, a person who complies with a court order to provide  
637 testimony or matter after asserting a valid privilege against  
638 self-incrimination may not have the testimony or matter so

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639 provided, or evidence derived from the testimony or matter,  
640 received against the person in any criminal investigation or  
641 proceeding.

642 (5) A person upon whom a subpoena is served pursuant to  
643 this part must comply with its terms unless otherwise provided  
644 by order of the court. A person who fails to appear, with the  
645 intent to avoid, evade, or prevent compliance in whole or in  
646 part with an investigation under this part, or who removes from  
647 any place, conceals, withholds, mutilates, alters, or destroys,  
648 or by any other means falsifies any documentary material in the  
649 possession, custody, or control of a person subject to a  
650 subpoena, or who knowingly conceals relevant information with  
651 the intent to avoid, evade, or prevent compliance, is liable for  
652 a civil penalty of not more than \$5,000 per week in violation,  
653 reasonable attorney fees, and costs.

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

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

658 540.08 Unauthorized publication of name, image, or  
659 likeness.—

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

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

666 (b) "Person" has the same meaning as in s. 1.01.

667 (c) "Servicemember" has the same meaning as in s. 250.01

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668 and includes any officer or enlisted member who died from  
669 service-connected causes while on active duty.

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

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

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

682 (a) The individual.

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

686 (c) If the individual is deceased:

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

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

693 (3) A ~~no~~ person may not ~~shall~~ publish, print, display or  
694 otherwise publicly use for purposes of trade or for any  
695 commercial or advertising purpose the name, portrait,  
696 photograph, image, or other likeness of an individual ~~any~~

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697 ~~natural person~~ without the express written or oral consent to  
698 such use given by any of the following:

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

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

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

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

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

712 ~~(4)(2)~~ If ~~In the event~~ the consent required in subsection  
713 (2) or subsection (3) ~~(1)~~ is not obtained, the individual person  
714 whose name, portrait, photograph, image, or other likeness is ~~so~~  
715 used, or a any person, ~~firm, or corporation~~ authorized by the  
716 individual ~~such person~~ in writing to license the commercial use  
717 of the individual's her or his name, image, or likeness, or, if  
718 the individual person whose likeness is used is deceased, a any  
719 ~~person, firm, or corporation~~ having the right to give ~~such~~  
720 consent, as provided in subsection (2) or subsection (3)  
721 ~~hereinabove,~~ may bring an action to enjoin the ~~such~~ unauthorized  
722 publication, printing, display, or other public use, ~~and to~~  
723 recover damages for any loss or injury resulting from the  
724 unauthorized publication ~~sustained by reason thereof,~~ including  
725 an amount that ~~which~~ would have been a reasonable royalty, and

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726 punitive or exemplary damages.

727 (5)~~(3)~~ If a person uses the name, portrait, photograph,  
728 image, or other likeness of a servicemember ~~member of the armed~~  
729 ~~forces~~ without obtaining the consent required in subsection (2)  
730 or subsection (3) ~~(1)~~ and the ~~such~~ use is not subject to an ~~any~~  
731 exception listed in this section, a court may impose a civil  
732 penalty of up to \$1,000 per violation in addition to the civil  
733 remedies contained in subsection (4) ~~(2)~~. Each commercial  
734 transaction constitutes a violation under this section. ~~As used~~  
735 ~~in this section, the term "member of the armed forces" means an~~  
736 ~~officer or enlisted member of the Army, Navy, Air Force, Marine~~  
737 ~~Corps, Space Force, or Coast Guard of the United States, the~~  
738 ~~Florida National Guard, and the United States Reserve Forces,~~  
739 ~~including any officer or enlisted member who died as a result of~~  
740 ~~injuries sustained in the line of duty.~~

741 (6)~~(4)~~ ~~The provisions of~~ This section does ~~shall~~ not apply  
742 to any of the following:

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

751 (b) The publication, printing, display, or use of the name,  
752 portrait, photograph, image, or other likeness of an individual  
753 created through generative artificial intelligence in a  
754 newspaper, magazine, book, news broadcast or telecast, radio

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755 broadcast, or other news medium or publication if the generative  
756 artificial intelligence is used as part of a bona fide news  
757 report or presentation and that report or presentation contains  
758 a clear acknowledgement of speculation regarding the  
759 authenticity of the materials which are the subject of the  
760 report or presentation.

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

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

773 (7)(5) An ~~No~~ action may not ~~shall~~ be brought under this  
774 section by reason of a ~~any~~ publication, printing, display, or  
775 other public use of the name, portrait, photograph, image, or  
776 other likeness of an individual ~~a person~~ occurring more than  
777 ~~after the expiration of 40 years from and~~ after the death of the  
778 individual ~~such person~~.

779 ~~(6) As used in this section, a person's "surviving spouse"~~  
780 ~~is the person's surviving spouse under the law of her or his~~  
781 ~~domicile at the time of her or his death, whether or not the~~  
782 ~~spouse has later remarried; and a person's "children" are her or~~  
783 ~~his immediate offspring and any children legally adopted by the~~

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784 ~~person. Any consent provided for in subsection (1) shall be~~  
785 ~~given on behalf of a minor by the guardian of her or his person~~  
786 ~~or by either parent.~~

787 (8)~~(7)~~ The remedies ~~provided for~~ in this section are ~~shall~~  
788 ~~be~~ in addition to and not in limitation of the remedies and  
789 rights of any person under the common law against the invasion  
790 of her or his privacy.

791 Section 11. Subsection (21) is added to section 1002.42,  
792 Florida Statutes, to read:

793 1002.42 Private schools.—

794 (21) ARTIFICIAL INTELLIGENCE INSTRUCTIONAL TOOLS.—A private  
795 school that provides student access to an artificial  
796 intelligence instructional tool, as defined in s. 1006.1495,  
797 must comply with the provisions in that section.

798 Section 12. Section 1006.1495, Florida Statutes, is created  
799 to read:

800 1006.1495 Artificial intelligence instructional tools;  
801 parental notice, opt-out, and account access.—

802 (1) DEFINITIONS.—As used in this section, the term:

803 (a) "Artificial intelligence instructional tool" means a  
804 software application or service that uses artificial  
805 intelligence, including machine learning, which is made  
806 available to a student by an educational entity for educational  
807 purposes, including instruction, tutoring, practice, feedback,  
808 or completing educator-directed assignments, and that is not  
809 designed, marketed, or configured to:

810 1. Meet a student's social needs;

811 2. Simulate friendship, companionship, or an emotional  
812 relationship with a student; or

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813 3. Employ relationship-building or anthropomorphic design  
814 features for the purpose of encouraging a student to continue  
815 interacting with the system.

816 (b) "Educational entity" means a school district, a public  
817 school, or a private school. The term includes a VPK provider  
818 meaning a private prekindergarten provider or a public school  
819 prekindergarten provider, as those terms are defined in s.  
820 1002.51, which delivers the Voluntary Prekindergarten Education  
821 Program under part V of chapter 1002.

822 (c) "Operator" means a person who operates an artificial  
823 intelligence instructional tool and collects, receives,  
824 maintains, or uses student information or student-generated  
825 content through the tool.

826 (d) "Parent" includes a parent, guardian, or other person  
827 with legal authority to make educational decisions for a  
828 student.

829 (e) "Private school" has the same meaning as in s.  
830 1002.01(3).

831 (f) "Public school" means a component described in s.  
832 1000.04(2), (4), (5), or (6).

833 (2) EDUCATIONAL USE; PARENTAL NOTICE.—Before a student is  
834 provided access credentials for an artificial intelligence  
835 instructional tool, the educational entity must provide the  
836 parent of a minor student with notice that:

837 (a) Identifies the tool and its educational purpose;

838 (b) Describes, in general terms, how the tool will be used  
839 by students;

840 (c) Explains how the parent may exercise the opt-out  
841 process under subsection (3); and

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842 (d) Explains how the parent may access the student's  
843 account or request access to information and account activity  
844 under subsection (4), including the method for submitting a  
845 written request.

846 (3) PARENTAL OPT-OUT.—

847 (a) A parent of a minor student must be provided the  
848 opportunity to opt out of the student's use of an artificial  
849 intelligence instructional tool.

850 (b) The opt-out process must align with the educational  
851 entity's existing policies for parental notice, consent,  
852 objection, or opt-out for instructional materials, digital  
853 tools, or online accounts, as applicable.

854 (c) If a parent opts out and the student is enrolled in a  
855 public school, the school district or public school must provide  
856 an alternative instructional activity that allows the student to  
857 meet a comparative educational requirement without penalty.

858 (4) PARENT ACCOUNT ACCESS; COMPLIANCE OPTIONS.—

859 (a) At the time an operator provides a student's access  
860 credentials or otherwise provides or enables student access to  
861 an educational entity for an artificial intelligence  
862 instructional tool, the operator shall simultaneously provide to  
863 the educational entity a means to authorize the parent of a  
864 minor student to access information and account activity  
865 maintained within the artificial intelligence instructional  
866 tool.

867 (b) The operator may satisfy paragraph (a) by:

- 868 1. Providing the parent of a minor student credentials or  
869 another method for read-only access to the student's account; or  
870 2. Upon written request from the parent of a minor student,

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871 providing access to the information and account activity  
872 maintained within the tool, in accordance with applicable state  
873 and federal law, within 30 days after receipt of the request.

874 The educational entity shall inform the parent of the right to  
875 make such a request and the method for submitting the request.

876 (c) If an educational entity satisfies subparagraph (b)1.,  
877 the educational entity shall provide the credentials or other  
878 access method at the time the educational entity provides the  
879 student access credentials or otherwise enables student access.

880 (d) This subsection does not require an operator or an  
881 educational entity to create or retain a transcript or record of  
882 student interactions beyond information otherwise maintained in  
883 the ordinary course of providing access to the tool.

884 (5) CONSTRUCTION.—This section does not alter:

885 (a) A parent's rights under state or federal law to access  
886 student education records; or

887 (b) An educational entity's obligations under applicable  
888 state and federal student privacy laws.

889 Section 13. For the purpose of incorporating the amendment  
890 made by this act to section 540.08, Florida Statutes, in a  
891 reference thereto, section 540.10, Florida Statutes, is  
892 reenacted to read:

893 540.10 Exemption of news media from liability.—No relief  
894 may be obtained under s. 540.08 or s. 540.09, against any  
895 broadcaster, publisher or distributor broadcasting, publishing  
896 or distributing paid advertising matter by radio or television  
897 or in a newspaper, magazine, or similar periodical without  
898 knowledge or notice that any consent required by s. 540.08 or s.  
899 540.09, in connection with such advertising matter has not been

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900 obtained, except an injunction against the presentation of such  
901 advertising matter in future broadcasts or in future issues of  
902 such newspaper, magazine, or similar periodical.

903 Section 14. For the purpose of incorporating the amendment  
904 made by this act to section 540.08, Florida Statutes, in a  
905 reference thereto, paragraph (c) of subsection (1) of section  
906 743.08, Florida Statutes, is reenacted to read:

907 743.08 Removal of disabilities of minors; artistic or  
908 creative services; professional sports contracts; judicial  
909 approval.—

910 (1) A contract made by a minor or made by a parent or  
911 guardian of a minor, or a contract proposed to be so made, may  
912 be approved by the probate division of the circuit court or any  
913 other division of the circuit court that has guardianship  
914 jurisdiction, where the minor is a resident of this state or the  
915 services of the minor are to be performed or rendered in this  
916 state, where the contract sought to be approved is one under  
917 which:

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

921 Section 15. This act shall take effect July 1, 2026.