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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; specifying that the sale or

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88 disclosure of information authorized by federal law is
89 not prohibited; requiring artificial intelligence
90 technology companies in possession of deidentified
91 data to take specified measures to ensure such data
92 remains deidentified; authorizing the department to
93 bring actions under the Florida Deceptive and Unfair
94 Trade Practices Act for violations; providing civil
95 penalties; authorizing the department to grant an
96 artificial intelligence technology company a specified
97 timeframe in which to cure an alleged violation and to
98 issue a certain letter of guidance; authorizing the
99 department to consider certain information when making
100 such determination; authorizing the artificial
101 intelligence technology company to provide certain
102 information to the department in the event of an
103 alleged violation of certain requirements; prohibiting
104 the department from bringing an action against an
105 artificial intelligence technology company under
106 certain circumstances; authorizing the department to
107 issue a certain letter of guidance; authorizing the
108 department to bring an action against an artificial
109 intelligence company that fails to cure an alleged
110 violation; providing that certain artificial
111 intelligence technology companies are subject to the
112 jurisdiction of state courts; authorizing the
113 department to adopt rules; creating s. 501.9987, F.S.;
114 authorizing the department to take certain
115 investigative and compliance actions in connection
116 with potential violations of specified provisions;

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117 authorizing the department to adopt rules; amending s.
118 540.08, F.S.; defining terms; prohibiting the
119 commercial use of an individual's name, image, or
120 likeness created through artificial intelligence
121 without the individual's or an authorized individual's
122 consent; providing requirements for the use of the
123 name, image, or likeness of deceased persons;
124 providing penalties for the use of the name, image, or
125 likeness of a servicemember; providing applicability;
126 conforming provisions to changes made by the act;
127 amending s. 1002.42, F.S.; requiring certain private
128 schools to comply with specified provisions; creating
129 s. 1006.1495, F.S.; defining terms; prohibiting an
130 educational entity from using or providing students
131 access to artificial intelligence instructional tools
132 before a specified grade level; providing exceptions;
133 requiring an educational entity to provide parents
134 with specified notice before providing a student with
135 access to an artificial intelligence instructional
136 tool; requiring a parent to be provided the
137 opportunity to opt out of a student's use of an
138 artificial intelligence instructional tool; providing
139 requirements for such opt-out process; requiring a
140 school district or public school to provide certain
141 activities if the parent opts out of the student's use
142 of an artificial intelligence instructional tool;
143 requiring an operator to provide student access and
144 simultaneous parental access to a student account for
145 an artificial intelligence instructional tool;

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146 providing methods to satisfy certain provisions;
147 specifying that an operator of an educational entity
148 does not have to create or maintain a transcript or
149 record of certain student interactions on the
150 artificial intelligence instructional tool; providing
151 construction; reenacting ss. 540.10 and 743.08(1)(c),
152 F.S., relating to the exemption of news media from
153 liability and contracts entered into by minors,
154 respectively, to incorporate the amendment made to s.
155 540.08, F.S., in references thereto; providing an
156 effective date.

157
158 Be It Enacted by the Legislature of the State of Florida:

159
160 Section 1. Present paragraphs (a) through (d) of subsection
161 (1) and present subsection (7) of section 287.138, Florida
162 Statutes, are redesignated as paragraphs (b) through (e) and
163 subsection (8), respectively, a new paragraph (a) is added to
164 subsection (1), a new subsection (7) is added to that section,
165 and subsection (3) of that section is amended, to read:

166 287.138 Contracting with entities of foreign countries of
167 concern prohibited.—

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

169 (a) “Artificial intelligence” means a machine-based system
170 that can, for a given set of human-defined objectives, make
171 predictions, recommendations, or decisions influencing real or
172 virtual environments.

173 (3) (a) Beginning July 1, 2025, a governmental entity may
174 not extend or renew a contract with an entity listed in

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

180 (b) Beginning July 1, 2026, a governmental entity may not
181 accept a bid on, a proposal for, or a reply to, or enter into a
182 contract with, an entity to provide artificial intelligence
183 technology, software, or products, including as a portion or an
184 option to the products or services provided under the contract,
185 unless the entity provides the governmental entity with an
186 affidavit signed by an officer or a representative of the entity
187 under penalty of perjury attesting that the entity does not meet
188 any of the criteria in paragraph (7) (a), paragraph (7) (b), or
189 paragraph (7) (c).

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

194 (a) The entity is owned by the government of a foreign
195 country of concern;

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

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

200 Section 2. The Division of Law Revision is directed to
201 create part IX of chapter 501, Florida Statutes, consisting of
202 ss. 501.9981, 501.9982, 501.9983, 501.9984, 501.9985, 501.9986,
203 and 501.9987, Florida Statutes, to be entitled the "Artificial

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204 Intelligence Bill of Rights.”

205 Section 3. Section 501.9981, Florida Statutes, is created
206 to read:

207 501.9981 Short title.—This part may be cited as the
208 “Artificial Intelligence Bill of Rights.”

209 Section 4. Section 501.9982, Florida Statutes, is created
210 to read:

211 501.9982 Rights relating to the use of artificial
212 intelligence.—

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

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

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

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

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

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

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

237 (g) The right to be protected by law from criminal acts
238 relating to the alteration of existing images to create sexual
239 or lewd or lascivious images or child pornography, regardless of
240 whether artificial intelligence is used in the commission of
241 those acts.

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

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

249 (j) The right to prevent a companion chatbot from engaging
250 with a user as a character that is protected by federal
251 copyright law without the express written consent of the
252 copyright owner.

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

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

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

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

264 501.9983 Definitions.—As used in this part, the term:

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

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

274 (3) "Artificial intelligence technology company" means a
275 business or organization that produces, develops, creates,
276 designs, or manufactures artificial intelligence technology or
277 products, collects data for use in artificial intelligence
278 products, or implements artificial intelligence technology.

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

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

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291 include:

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

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

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

307 (d) An artificial intelligence instructional tool, as
308 defined in s. 1006.1495.

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

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

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

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

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

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

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

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

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

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

332 (16) "Video game" means a game played on an electronic
333 amusement device that uses a computer, microprocessor, or
334 similar electronic circuitry and its own monitor, or is designed
335 to be used with a television set or a computer monitor, to
336 interact with the user of the device.

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

339 501.9984 Companion chatbot use for minors.—

340 (1) A companion chatbot platform shall prohibit a minor
341 from becoming or being an account holder unless the minor's
342 parent or guardian provides consent. If a companion chatbot
343 platform allows a minor to become or be an account holder, the
344 parties have entered into a contract.

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

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

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

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

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

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

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

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

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

376 3. Allow the consenting parent or guardian of an account
377 holder who is a minor to request that the minor's account or

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378 identifier be terminated. Termination must be effective within
379 10 business days after the request.

380 4. Permanently delete all personal information held by the
381 companion chatbot platform relating to the terminated minor
382 account or identifier, unless state or federal law requires the
383 platform to maintain the information.

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

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

389 (b) Provide by default a clear and conspicuous notification
390 to the account holder, at the beginning of companion chatbot
391 interactions and at least once every hour during continuing
392 interactions, reminding the minor to take a break and that the
393 companion chatbot is artificially generated and not human.

394 (c) Institute reasonable measures to prevent the companion
395 chatbot from producing or sharing materials harmful to minors or
396 encouraging the account holder to engage in any of the conduct
397 described or depicted in materials harmful to minors.

398 (3) A knowing or reckless violation of this section is
399 deemed a deceptive or unfair trade practice or act actionable
400 under part II of this chapter solely by the department against a
401 companion chatbot platform. If the department has reason to
402 believe that a companion chatbot platform is in violation of
403 this section, the department, as the enforcing authority, may
404 bring an action against such platform for a deceptive or unfair
405 trade practice or act. In addition to other remedies under part
406 II of this chapter, the department may collect a civil penalty

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407 of up to \$50,000 per violation and reasonable attorney fees and
408 court costs. If the companion chatbot platform's failure to
409 comply with this section is part of a consistent pattern of
410 knowing or reckless conduct, punitive damages may be assessed
411 against the companion chatbot platform.

412 (4) (a) After the department has notified a companion
413 chatbot platform in writing of an alleged violation, the
414 department may grant the companion chatbot platform 45 calendar
415 days to cure the alleged violation and may issue a letter of
416 guidance stating that the companion chatbot platform will not be
417 offered another 45-calendar-day cure period for any future
418 violations of this section. The department may consider the
419 number and frequency of violations, the substantial likelihood
420 of injury to the public, and the safety of persons or property
421 in determining whether to grant the companion chatbot platform
422 45 calendar days to cure and issue the letter of guidance.

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

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

435 (b) If the alleged violation is cured to the satisfaction

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436 of the department, and proof of such cure is provided to the
437 department, the department may not bring an action for the
438 alleged violation but may issue a letter of guidance stating
439 that the companion chatbot platform will not be offered a 45-
440 calendar-day cure period for any future violations of this
441 section.

442 (c) If the companion chatbot platform fails to cure the
443 alleged violation within 45 calendar days, the department may
444 bring an action against such companion chatbot platform for the
445 alleged violation.

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

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

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

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

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

464 (8) The department may adopt rules to implement this

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465 section.

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

468 501.9985 Consumer protections regarding bots.—

469 (1) At the beginning of an interaction between a user and a
470 bot, and at least once every hour during the interaction, an
471 operator shall display a pop-up message or other prominent
472 notification notifying the user or, if the interaction is not
473 through a device with a screen, otherwise inform the user, that
474 he or she is not engaging in dialogue with a human counterpart.
475 This section does not apply to a bot that is used solely by
476 employees within a business for its internal operational
477 purposes.

478 (2) A violation of this section is deemed a deceptive or
479 unfair trade practice or act actionable under part II of this
480 chapter solely by the department on behalf of a user of a bot.
481 If the department has reason to believe that an operator is in
482 violation of this section, the department, as the enforcing
483 authority, may bring an action against the operator for a
484 deceptive or unfair trade practice or act. For the purpose of
485 bringing an action pursuant to this section, ss. 501.211 and
486 501.212 do not apply. In addition to any other remedy under part
487 II of this chapter, the department may collect a civil penalty
488 of up to \$50,000 per violation and reasonable attorney fees and
489 court costs.

490 (3) (a) After the department has notified an operator in
491 writing of an alleged violation, the department may grant the
492 operator 45 calendar days to cure the alleged violation and may
493 issue a letter of guidance stating that the companion chatbot

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494 platform will not be offered another 45-calendar-day cure period
495 for any future violations. The department may consider the
496 number and frequency of violations, the substantial likelihood
497 of injury to the public, and the safety of persons or property
498 in determining whether to grant an operator 45 calendar days to
499 cure and issue the letter of guidance.

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

507 (c) If the alleged violation is cured to the satisfaction
508 of the department and proof of such cure is provided to the
509 department, the department may not bring an action for the
510 alleged violation but may issue a letter of guidance that
511 indicates that the operator will not be offered a 45-calendar-
512 day cure period for any future violations.

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

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

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523 state.

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

526 Section 8. Section 501.9986, Florida Statutes, is created
527 to read:

528 501.9986 Consumer protections regarding deidentified data.—

529 (1) An artificial intelligence technology company may not
530 sell or disclose personal information of users unless the
531 information is deidentified data. This subsection does not
532 prohibit the sale or disclosure of information specifically
533 authorized by federal law.

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

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

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

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

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

548 (3) A violation of this section is deemed a deceptive or
549 unfair trade practice or act actionable under part II of this
550 chapter solely by the department. If the department has reason
551 to believe that an artificial intelligence technology company is

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552 in violation of this section, the department, as the enforcing
553 authority, may bring an action against the artificial
554 intelligence technology company for a deceptive or unfair trade
555 practice or act. For the purpose of bringing an action pursuant
556 to this section, ss. 501.211 and 501.212 do not apply. In
557 addition to any other remedy under part II of this chapter, the
558 department may collect a civil penalty of up to \$50,000 per
559 violation and reasonable attorney fees and court costs.

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

572 (b) For an alleged violation of this section, the
573 artificial intelligence technology company may provide for the
574 department's consideration information that shows that the
575 artificial intelligence technology company maintains a risk
576 management program that:

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

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581 2. Includes assessed controls for deidentification,
582 contractual flow-down, non-reidentification, inadvertent release
583 prevention, monitoring, and auditing sufficient to demonstrate
584 that the company is taking reasonable measures to meet the
585 requirements of this section.

586 (c) If the alleged violation is cured to the satisfaction
587 of the department and proof of such cure is provided to the
588 department, the department may not bring an action for the
589 alleged violation but may issue a letter of guidance that
590 indicates that the artificial intelligence technology company
591 will not be offered another 45-calendar-day cure period for any
592 future violations.

593 (d) If the artificial intelligence technology company fails
594 to cure the alleged violation within the 45-calendar-day cure
595 period, the department may bring an action against such
596 artificial intelligence technology company for the alleged
597 violation.

598 (5) For purposes of bringing an action pursuant to this
599 section, an artificial intelligence technology company that
600 produces, develops, creates, designs, or manufactures artificial
601 intelligence technology or products, collects data for use in
602 artificial intelligence products, or implements artificial
603 intelligence technology in this state is considered to be both
604 engaged in substantial and not isolated activities within this
605 state and operating, conducting, engaging in, or carrying on a
606 business, and doing business in this state, and is therefore
607 subject to the jurisdiction of the courts of this state.

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

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

612 501.9987 Investigations.—

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

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

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

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639 order compelling compliance.

640 (4) The department may request that a person who refuses to
641 comply with a subpoena on the grounds that the testimony or
642 matter may be self-incriminating be ordered by the court to
643 provide the testimony or matter. Except in a prosecution for
644 perjury, a person who complies with a court order to provide
645 testimony or matter after asserting a valid privilege against
646 self-incrimination may not have the testimony or matter so
647 provided, or evidence derived from the testimony or matter,
648 received against the person in any criminal investigation or
649 proceeding.

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

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

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

666 540.08 Unauthorized publication of name, image, or
667 likeness.-

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

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

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

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

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

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

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

690 (a) The individual.

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

694 (c) If the individual is deceased:

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

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

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

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

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

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

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

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

720 (4) ~~(2)~~ If ~~In the event~~ the consent required in subsection
 721 (2) or subsection (3) ~~(1)~~ is not obtained, the individual ~~person~~
 722 whose name, portrait, photograph, image, or other likeness is ~~so~~
 723 used, or a any person, ~~firm, or corporation~~ authorized by the
 724 individual ~~such person~~ in writing to license the commercial use
 725 of the individual's her or his name, image, or likeness, or, if

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726 the individual ~~person~~ whose likeness is used is deceased, a any
727 ~~person, firm, or corporation~~ having the right to give ~~such~~
728 consent, as provided in subsection (2) or subsection (3)
729 ~~hereinabove~~, may bring an action to enjoin the ~~such~~ unauthorized
730 publication, printing, display, or other public use, and ~~to~~
731 recover damages for any loss or injury resulting from the
732 unauthorized publication ~~sustained by reason thereof~~, including
733 an amount that ~~which~~ would have been a reasonable royalty, and
734 punitive or exemplary damages.

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

749 (6)-(4) ~~The provisions of~~ This section does ~~shall~~ not apply
750 to any of the following:

751 (a) The publication, printing, display, or use of the name,
752 portrait, photograph, image, or other likeness of an individual
753 ~~any person~~ in a any newspaper, magazine, book, news broadcast or
754 telecast, radio broadcast, or other news medium or publication

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755 if used as part of a a ~~any~~ bona fide news report or presentation
756 having a current and legitimate public interest and if the ~~where~~
757 ~~such~~ name, image, or likeness is not used for advertising
758 purposes.†

759 (b) The publication, printing, display, or use of the name,
760 portrait, photograph, image, or other likeness of an individual
761 created through generative artificial intelligence in a
762 newspaper, magazine, book, news broadcast or telecast, radio
763 broadcast, or other news medium or publication if the generative
764 artificial intelligence is used as part of a bona fide news
765 report or presentation and that report or presentation contains
766 a clear acknowledgement of speculation regarding the
767 authenticity of the materials which are the subject of the
768 report or presentation.

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

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

781 (7) ~~(5)~~ An Ne action may not ~~shall~~ be brought under this
782 section by reason of a a ~~any~~ publication, printing, display, or
783 other public use of the name, portrait, photograph, image, or

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784 other likeness of an individual ~~a person~~ occurring more than
785 ~~after the expiration of 40 years from and~~ after the death of the
786 individual such person.

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

795 ~~(8)(7)~~ The remedies ~~provided for~~ in this section are shall
796 ~~be~~ in addition to and not in limitation of the remedies and
797 rights of any person under the common law against the invasion
798 of her or his privacy.

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

801 1002.42 Private schools.—

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

806 Section 12. Section 1006.1495, Florida Statutes, is created
807 to read:

808 1006.1495 Artificial intelligence instructional tools;
809 parental notice, opt-out, and account access.—

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

811 (a) "Artificial intelligence instructional tool" means a
812 software application or service that uses artificial

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813 intelligence, including machine learning, which is made
814 available to a student by an educational entity for educational
815 purposes, including instruction, tutoring, practice, feedback,
816 or completing educator-directed assignments, and that is not
817 designed, marketed, or configured to:

818 1. Meet a student's social needs;

819 2. Simulate friendship, companionship, or an emotional
820 relationship with a student; or

821 3. Employ relationship-building or anthropomorphic design
822 features for the purpose of encouraging a student to continue
823 interacting with the system.

824 (b) "Educational entity" means a school district, a public
825 school, or a private school. The term includes a VPK provider
826 meaning a private prekindergarten provider or a public school
827 prekindergarten provider, as those terms are defined in s.
828 1002.51, which delivers the Voluntary Prekindergarten Education
829 Program under part V of chapter 1002.

830 (c) "Operator" means a person who operates an artificial
831 intelligence instructional tool and collects, receives,
832 maintains, or uses student information or student-generated
833 content through the tool.

834 (d) "Parent" includes a parent, guardian, or other person
835 with legal authority to make educational decisions for a
836 student.

837 (e) "Private school" has the same meaning as in s.
838 1002.01(3).

839 (f) "Public school" means a component described in s.
840 1000.04(2), (4), (5), or (6).

841 (2) RESTRICTION.—An educational entity may not provide

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842 students with access to an artificial intelligence instructional
843 tool before grade 6 unless such use is:

844 (a) Directed and supervised by school personnel;

845 (b) For translation or similar support necessary for a
846 student identified as an English language learner; or

847 (c) For accommodations, assistive technology, or similar
848 support necessary for a student with a documented disability.

849 (3) EDUCATIONAL USE; PARENTAL NOTICE.—Before a student is
850 provided access credentials for an artificial intelligence
851 instructional tool, the educational entity must provide the
852 parent of a minor student with notice that:

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

854 (b) Describes, in general terms, the manner in which the
855 tool will be used by students;

856 (c) Explains how the parent may exercise the opt-out
857 process under subsection (4); and

858 (d) Explains how the parent may access the student's
859 account or request access to information and account activity
860 under subsection (5), including the method for submitting a
861 written request.

862 (4) PARENTAL OPT-OUT.—

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

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

870 (c) If a parent opts out of a student's use of an

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871 artificial intelligence instructional tool and the student is
872 enrolled in a public school, the school district or public
873 school must provide an alternative instructional activity that
874 allows the student to meet a comparative educational requirement
875 without penalty.

876 (5) PARENT ACCOUNT ACCESS; COMPLIANCE OPTIONS.—

877 (a) At the time an operator provides a student's access
878 credentials or otherwise provides or enables student access to
879 an educational entity for an artificial intelligence
880 instructional tool, the operator shall simultaneously provide to
881 the educational entity a means to authorize the parent of a
882 minor student to access information and account activity
883 maintained within the artificial intelligence instructional
884 tool.

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

886 1. Providing the parent of a minor student credentials or
887 another method for read-only access to the student's account; or

888 2. Upon written request from the parent of a minor student,
889 providing access to the information and account activity
890 maintained within the tool, in accordance with applicable state
891 and federal law, within 30 days after receipt of the request.

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

894 (c) If an educational entity satisfies subparagraph (b)1.,
895 the educational entity must provide the credentials or other
896 access method at the time the educational entity provides the
897 student with access credentials or otherwise enables student
898 access.

899 (d) This subsection does not require an operator or

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900 educational entity to create or retain a transcript or record of
901 student interactions beyond information otherwise maintained in
902 the ordinary course of providing access to the tool.

903 (6) CONSTRUCTION.—This section does not alter:

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

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

908 Section 13. For the purpose of incorporating the amendment
909 made by this act to section 540.08, Florida Statutes, in a
910 reference thereto, section 540.10, Florida Statutes, is
911 reenacted to read:

912 540.10 Exemption of news media from liability.—No relief
913 may be obtained under s. 540.08 or s. 540.09, against any
914 broadcaster, publisher or distributor broadcasting, publishing
915 or distributing paid advertising matter by radio or television
916 or in a newspaper, magazine, or similar periodical without
917 knowledge or notice that any consent required by s. 540.08 or s.
918 540.09, in connection with such advertising matter has not been
919 obtained, except an injunction against the presentation of such
920 advertising matter in future broadcasts or in future issues of
921 such newspaper, magazine, or similar periodical.

922 Section 14. For the purpose of incorporating the amendment
923 made by this act to section 540.08, Florida Statutes, in a
924 reference thereto, paragraph (c) of subsection (1) of section
925 743.08, Florida Statutes, is reenacted to read:

926 743.08 Removal of disabilities of minors; artistic or
927 creative services; professional sports contracts; judicial
928 approval.—

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929 (1) A contract made by a minor or made by a parent or
930 guardian of a minor, or a contract proposed to be so made, may
931 be approved by the probate division of the circuit court or any
932 other division of the circuit court that has guardianship
933 jurisdiction, where the minor is a resident of this state or the
934 services of the minor are to be performed or rendered in this
935 state, where the contract sought to be approved is one under
936 which:

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

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