

By Senator Brodeur

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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 ~~No~~ action may not ~~shall~~ be brought under this  
782 section by reason of 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.