

## AI – Compilation of Florida’s Proposed Artificial Intelligence Bills – Chart + Technical Notes (verJan15)

This is a Compilation of Florida’s proposed artificial intelligence (“AI”) bills. In an effort to conform these 12 AI bills, the AI Task Force of the Computer and Technology Law Committee of the Fla. Bar’s Business Law Section (“BLS”) used SB 482, the AI Bill of Rights, as a foundation for the suggested edits. Hence, this Compilation must be read in combination with the AI Task Force’s Technical Notes report. This Compilation is a work in progress. The Computer Law Committee has NOT completed its review of this Compilation, nor has the Blockchain and Digital Assets Committee. The AI Task Force believes that this interim January 15 Compilation will assist the Florida Legislature’s review of the 12 AI bills. The bills listed in [brackets] are subject to the technical notes for that bill. If a House Bill is not noted in brackets, the AI Task Force has not had time to study and comment on the bill.

SB	HB (ver)	Title and Summary	Technical Notes
		Universally for all AI bills, use the same definition of AI as in SB 482, AI Bill of Rights	At SB 482, Line 196 (“L. 196”): ““Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that influence physical or virtual environments.”
SB 146		AI used by State Agencies	[SB 146] Defines “AI” at L. 14. RECOMMEND – copy AI definition from SB 482, 196. Florida’s Digital Service to study impact of state agencies procuring, implementing, or operating artificial intelligence-powered technology.
SB 202	HB 527	Mandatory Human Reviews of Insurance Claims + AI Reports	[HB 527] Defines “AI System”; defines “algorithm”; defines “machine learning system”. RECOMMEND – consistent use of terms in all AI legislation. copy AI definition from SB 482, L. 196. <u>Summary HB 527</u> : if an AI approves/disapproves/modifies payment of an insurance claim, a “qualified human professional” must review facts independent of AI, keep records, document change in claim, notify the insured that an AI was used. <u>Summary SB 202</u> (which is shorter than HB 527): RECOMMEND – consistent use of terms in all AI legislation. Replace “AI system” at L. 30, with AI definition from SB 482, L. 196. Delete “system” at L. 30. Delete “machine learning system’ definition at L. 35-37. Edit L. 42-43: An insurer’s decision to deny <u>or reduce</u> a claim or any portion of a claim must be made by a qualified human professional <u>and may not be made solely on the basis of an algorithm or artificial intelligence</u> . At L. 46, delete “claim” and insert “ <u>claim based upon the use of artificial intelligence</u> ” At L. 49, delete “; machine learning system, “ At L. 50-51, delete “such a system” and insert “ <u>such artificial intelligence</u> ” At L. 65, delete “an algorithm, an artificial intelligence system, or a machine 65 learning system” and replace with “ <u>an algorithm or artificial intelligence</u> .”

			<p>At L. 67, delete “An algorithm, an artificial intelligence system, or a machine learning system” and replace with “<u>An algorithm or artificial intelligence system.</u>”</p> <p>At L. 75, delete “an algorithm, an artificial intelligence system, or a machine learning system” and replace with “<u>an algorithm or artificial intelligence</u>”</p> <p>At L. 79, delete “an algorithm, an artificial intelligence system, or a machine learning system” and replace with “<u>an algorithm or artificial intelligence</u>”</p> <p>Consider effective date at L. 89 to be “July 1, <u>2027</u>,” to permit insurance companies to adjust their systems.</p>
SB 344	HB 281	AI Used in Psychological, Clinical, Counseling, and Therapy Services (herein “Psych Licensee”)	<p>[SB 344] Defines “AI” at L. 16 and L. 41. RECOMMEND – consistent use of terms in all AI legislation. RECOMMEND –copy AI definition from SB 482, L. 196.</p> <p><u>Summary:</u> Psych Licensee cannot use AI “in the practice of psychology or school psychology.” L. 23.</p> <p>RECOMMEND that AI can be used for diagnostic purposes because Pysch Licensees should use all modern tools in their practice:</p> <p>At L. 26, delete “intelligence to:” and insert - - <u>intelligence as a diagnostic tool and to:</u> - -</p> <p>Possible revision, at L. 24-25: delete “in the practice of psychology or school psychology” and replace with: “<u>providing therapeutic advice to a client during the practice of psychology or school psychology.</u>”</p> <p>At L. 28, delete “services” and insert “<u>services other than providing therapeutic advice to a client</u>”</p> <p>At L. 34, delete “records” and insert “<u>records which are consistent with therapeutic advice provided to the client</u>”</p> <p>At L. 35, delete “purposes” and insert “<u>and diagnostic purposes other than providing therapeutic advice to a client.</u>”</p> <p>At L. 38, delete “services” and insert “<u>services and maintains a record of such informed consent</u>”</p> <p>Rationale: Permitted usages in SB 344 are: admin or support services (L. 27), scheduling (L. 30), “drafting general communications ... that do not involve therapeutic advice” (L. 31), billing (L. 33), “preparing and managing patient records” [seems broad, (L. 34)], “Analyzing data for operational purposes” [seems broad, (L. 35)].</p> <p>The Psych Licensee can use AI to: “Record or transcribe a counseling or therapy session if a licensee obtains written, informed consent at least 24 hours before the provision of services” [seems broad, L. 36].</p>

			<p>Summary At L. 49: Same AI restrictions apply to a Licensee “in the practice of clinical social work, marriage and family therapy, or mental health counseling.” RECOMMEND making identical edits to the clinical social worker section as noted above in the Psych Licenses.</p> <p>At L. 54, delete “intelligence to:” and insert - - <u>intelligence as a diagnostic tool and to</u> - -</p> <p>At L. 51, delete “practice” and insert “<u>providing therapeutic advice to a client during the practice</u>” Generally, repeat the edits in the Psych Licensee listed above for Social Worker Licensee edits at L. 56 (see edit at L. 28 above), L. 62, L. 63, and L. 67.</p> <p>EFFECTIVE DATE July 1, 2026. Seem too short to permit Psych Licensee to be educated. Consider effective date at L. 68 to be “<u>July 1, 2027</u>,” to permit Psych Licensees to adjust their systems.</p> <p>.</p>
SB 482		AI Bill of Rights	<p>[SB 482] See details in “SB 482 AI Technical Notes VerJan13_b”.</p> <p>NOTE: the AI Bill of Rights refers to “The right to be protected by law from criminal acts relating to the alteration of existing images to create sexual or lewd or lascivious images or child pornography, regardless of whether artificial intelligence is used in the commission of those acts” but apparently does not classify those rights as an act of unfair competition. L. 173. AI Bill of Rights.</p>
SB 1194		AI in Education	<p>[SB 1194] Requires State Board of Education to adopt statewide standards and policies for the use of AI. Also requires Digital literacy and the ethics of using artificial intelligence for English Language Arts and technology courses in Grades 6-12. L. 105.</p> <p>See related HB 899 “Task Force on AI in Public Postsecondary Education”</p>
SB 1344		Companion AI Chatbots	<p>[SB 1344]</p> <p>AI is not defined. RECOMMEND –copy AI definition from SB 482, L. 196.</p> <p>After L. 39, insert - - [AI definition from SB 482, L. 196; see First Row above] - -</p> <p>L. 42: Defines “companion AI chatbot”. RECOMMEND – use same definition in AI Bill of Rights, SB 482. The following edits include edits suggested in the doc “SB 482 AI Technical Notes VerJan13_b”.</p> <p>At L. 42, delete “means any software-based artificial intelligence system or program that exists for the primary purpose of simulating interpersonal or emotional interaction, friendship, companionship, or therapeutic communication with a user” and insert - - <u>means an artificial intelligence system with a natural language interface that provides adaptive, human-like responses to user inputs and is capable of meeting a user’s social needs, including by exhibiting</u></p>

		<p><u>anthropomorphic features and being able to sustain a relationship across multiple interactions. The term does not include: (a) A chatbot used only for customer service and which does not meet a user’s social, non-financial needs, a business’s operational purposes, productivity and analysis related to source information, internal research, or technical assistance; (b) A chatbot that is a feature of a video game and is limited to replies related to the video game and does not discuss topics related to mental health, self-harm, or material harmful to minors or maintain a dialogue on other topics unrelated to the video game; or (c) A stand-alone consumer electronic device that functions as a speaker and voice command interface, acts as a voice-activated virtual assistant, and does not sustain a relationship across multiple interactions or generate outputs likely to elicit emotional responses in the user. - -</u></p> <p><u>As for the Age Verification:</u></p> <p>At L. 40 delete “‘Anonymous age verification’ has the same meaning as in 40 s. 501.1738”</p> <p>At L. 60, delete “‘Standard age verification’ means any commercially reasonable method of age verification approved by the operator.”</p> <p>Insert after L. 61 - - <u>“Reasonable age verification measure” means a method that is authenticated to relate to a user of a companion chatbot, such as (A) a government-issued identification; or (B) any other commercially reasonable method that can reliably and accurately (i) determine whether a user is an adult; and (ii) prevent access by minors to the companion chatbot. - -</u></p> <p>L. 64, delete “chatbot” and insert - - <u>chatbot. For a minor, the operator shall prohibit a minor from entering into a contract with the operator to become an account holder or from maintaining an existing account, unless the minor’s parent or guardian provides consent with a reasonable age verification measure for the minor to become an account holder or maintain an existing account. - -</u></p> <p>DELETE L. 65 – 74.</p> <p>At L. 76, delete “account” and insert - - <u>account with a reasonable age verification measure from the user - -</u></p> <p>At L. 77, delete “user” and insert - - <u>user with a reasonable age verification measure to establish that the user is not a minor - -</u></p> <p>At L. 78, delete “using standard age verification or anonymous age verification” and insert - - <u>the reasonable age verification measure - -</u></p> <p>At L. 80, delete “If the age verification process” and insert - - <u>If the reasonable age verification measure - -</u></p>
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	HB 659	Companion Chatbot and Interactions with AI	<p>[HB 659] “Companion chatbots” defined. RECOMMEND: use same AI definition as SB 482, AI Bill of Rights.</p> <p>IN HB 659, AI is not defined.</p> <p>RECOMMEND: Add AI definition - use same as SB 482.</p> <p>RECOMMEND: Use the edited version of the companion chatbot exemptions in the Technical Notes for SB 482.</p>

			<p>Defines “sexually explicit communication” at L. 48.  RECOMMEND: use same definition as SB 1344. Requires that the C Chatbot operator give explicit notice. Requires that the C Chatbot operator prevent “suicidal ideation, suicide, or self-harm content” (L. 57), have protocols, and publish the protocols. Requires age verification. L. 74. Requires annual report to Atty General re number of times issued 988 suicide notices, the protocol. Violations are acts of unfair competition.</p>
	HB 899	“Task Force on AI in Public Postsecondary Education”	<p>[HB 899] Only establishes Task Force.  RECOMMEND: use same AI definition as SB 482, AI Bill of Rights.  RECOMMEND: use same Generative AI definition as in SB 482, AI Bill of Rights, L. 490.</p>
	HB 1007	Hyperscale Data Centers	<p>[HB 1007] This bill regulates data center locations.  The AI Task Force has no recommendations for this bill due to potential political issues.</p>
SB 692	HB 635	Cybersecurity Standards and Liability; amending F.S. 282.3185	<p>[SB 692] Not an AI bill.  Unless otherwise required by state or federal laws or regulations, a vendor must comply with cybersecurity standards that are consistent with the standards and processes established by the National Institute of Standards and Technology (NIST) Cybersecurity Framework 2.0.</p>
<b>Federal Preemption and Economic Threats</b>			
		President Trump’s Executive AI Order EO 14365	<p>Executive Order (EO) 14365 (December 11, 2025) "Ensuring a National Policy Framework for Artificial Intelligence," directly targets state AI laws.  It criticizes "excessive State regulation" as creating a "patchwork of 50 different regulatory regimes" and specifically calls out laws that "requir[e] entities to embed ideological bias within models." The order:  (a) Creates an AI Litigation Task Force within DOJ to challenge state AI laws deemed unconstitutional, preempted by federal regulations, or otherwise unlawful;  (b) Directs the Secretary of Commerce to publish an evaluation of "onerous" state AI laws within 90 days;  (c) Conditions federal funding (including BEAD program funds) on states not having onerous AI laws;  (d) Directs the FCC to consider adopting a federal reporting/disclosure standard that would preempt conflicting state laws; and  (e) Calls for legislative recommendations establishing a uniform federal framework that preempts conflicting state laws.  <u>Importantly, EO 14365 includes a Child Safety Carve-Out.</u> The federal legislative recommendation "shall not propose preempting otherwise lawful State AI laws relating to: (i) child safety</p>

			protections." This carve-out is directly relevant to Florida's companion chatbot bills. All three bills—SB 482, SB 1344, and HB 659—focus primarily on protecting minors from companion chatbot harms.
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