

SB 482 – Florida’s Proposed Artificial Intelligence Bill of Rights - Technical Notes (verJan15)

This Technical Paper provides suggestions and comments on SB 482, the Artificial Intelligence (“AI”) Bill of Rights Act (“the Act”) provided by the AI Task Force of the Computer and Technology Law Committee of the Fla. Bar’s Business Law Section (“BLS”). The Computer Law Committee has NOT completed its review of this interim Technical Notes report, nor has the Blockchain and Digital Assets Committee completed its review of this report. These Technical Notes are a work in progress. The AI Task Force believes that this interim January 15 report will assist the Florida Legislature’s review of the Act and the 12 AI bills currently proposed by the Legislature. Also, these Technical Notes on the AI Bill of Rights Act provide foundational support for the AI Task Force’s comments on the remaining 10 AI bills. In other words, the Task Force’s comments on the remaining 10 AI bills (set forth in the “AI Bill Compilation” provided herewith) seeks to conform those 10 AI bills to the Act (the AI Bill of Rights, SB 482).

Subject Matters Regulated by SB 482, Florida’s Proposed AI Bill of Rights

SB 482 proposes regulation of AI chatbots, bots, and AI technology companies (summarized below in topical sections A-C) and amendments to F.S. 540.08, Florida’s Unauthorized Publication of Name, Image, or Likeness, more generally referenced as Florida’s NIL statute.¹ The proposed AI Act amends the NIL statute to refer to “image” and regulate Generative AI images.

(A) Companion chatbot use by minors (persons under 17, Line 236 (“L. 236”)), regulating AI “companion chatbot platforms” (herein “CC platforms”), requiring parental consent, parental controls (such as hourly/daily time OFF controls), parental and user disclosures (an AI notice when “interacting with” an AI, L. 304-05), safety measures (such as a user/parent notice when the AI system detects self-harm or harm to others, L. 275), account termination, and deidentification of personal identifying information. Violations of the Act are considered violations of Florida’s Unfair and Deceptive Trade Practices Act, FDUPTA, F.S. 501.201. Florida’s Attorney General (via the Department of Legal Affairs) may seek civil penalties of \$50,000 for each knowing or reckless violation. See proposed F.S. 501.9984, LL. 256 - 354.

(B) Consumer protections regarding bots (AI agents), proposed F.S. 501.9985, LL. 357-358, requiring operators of bots to disclose to users, via periodic pop-ups, that the user is

¹ The BLS Computer and Technology Law Committee has engaged the Florida Bar’s Entertainment, Arts, and Sports Law Section regarding proposed AI amendments to the NIL statute. See www.easl.com.

“not engag[ed] in dialogue with a human counterpart,” and AI notice (L. 361), with violations enforced by the Attorney General (“Atty General”), under FDUPTA.

(C) Consumer protections regarding deidentified data held by AI technology companies (proposed F.S. 501.9986, LL. 388 – 430), prohibiting AI technology companies from selling or disclosing users’ personal information unless it is deidentified, and imposing duties for maintaining and sharing deidentified data, with enforcement by the Atty General under FUDTPA.

1. Conforming the Definition of Personal Identifying Information in the AI Bill of Rights Act to be Consistent with F.S. 817.568, the Criminal Use of Personal Identification Information

The Act’s multiple references to “personal information data” should be changed to “personal identification information” such that the Act is consistent with the similar definition of personal identification information in Fla. Stat. 817.568 and 817.5685.²

At Line 60 (“L. 60”): delete “personal information” and insert - - personal identification information - -

At L. 109, add the definitional citation to Fla. Stat. 817 and insert: - - (f) “Personal identification information” has the same meaning as “personal identification information” in s. 817.568(1). - -

At L. 112, delete “personal identifying information” and insert - - personal identification information - -

At L. 161, delete “personal information” and insert - - personal identification information - -

At L. 163, delete “information or data” and insert - - personal identification information or biometric data - -

At L. 239, add the definitional citation to Fla. Stat. 817 and insert:

² Fla. Stat. 817.568(f) defines “personal identification information” as: “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:

1. Name, postal or electronic mail address, telephone number, social security number, date of birth, mother’s maiden name, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, or personal identification number or code assigned to the holder of a debit card by the issuer to permit authorized electronic use of such card;
2. Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
3. Unique electronic identification number, address, or routing code;
4. Medical records;
5. Telecommunication identifying information or access device; or
6. Other number or information that can be used to access a person’s financial resources.

--- (12) “Personal identifying data” has the same meaning as “personal identifying data” in s. 817.568(1). - -

At L. 297, delete “personal information” and insert - - personal identification information

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At L. 300, delete “information” and insert - - personal identification information - -

At L. 390, delete “personal information” and insert - - personal identification information

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At L. 391, delete “information” and insert - - personal identification information - -

At L. 479, delete “information” and insert - - personal identification information - -

2. Clarify Certain References to “data” in the Act

The Act sometimes refers to “data” in a sentence that discusses deidentified data. To avoid confusion, the following clarifications are suggested.

At L. 394, delete “the data” and insert - - the deidentified data - -

At L. 398, delete “the data” and insert - - the deidentified data - -

At L. 399, delete “the data” and insert - - the deidentified data - -

3. Critical Definitions – Subject to Further Review:³

Definition of AI, at L. 104 and again at L. 196: AI “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.”⁴

³ These definitions are critical to the scope of the Act. These January 15 Technical Notes represent an interim report as a working paper for the Legislature. Although the AI Task Force has reviewed the definitions, it will seek additional comments from the Computer Law Committee and the Blockchain and Digital Assets Committee.

⁴ Some members of the AI Task Force are concerned that any definition of AI and Generative AI is troublesome. Regulating AI in the Act as a general-purpose technology presents problems. A better approach may be to focus AI outputs in clearly defined high-risk, use-based applications which produce unintended consequences. Prohibiting the use of AI in the practice of psychology – or in health care more broadly – would impose significant opportunity costs by foreclosing the adoption of potentially game-changing diagnostic and decision-support tools that could improve accuracy, enable earlier intervention, and expand access to next-generation therapies and drugs. It could also cut Florida patients off from the downstream clinical benefits of AI-driven research advances such as AlphaFold’s protein-structure predictions – breakthroughs that were not feasible without advanced models and are increasingly foundational to modern drug discovery and development. A technology-neutral, risk-based framework would instead regulate specific high-impact activities and define measurable harms from the AI outputs, while making

Definition of AI technology company, at L. 201: “means a business or organization that produces, develops, creates, designs, or manufactures artificial intelligence technology, services, or products, collects data for use in artificial intelligence products or services, or implements such artificial intelligence technology.”

Definition of Generative AI, L. 490, as part of a proposed amendment to F.S. 540.08, Florida’s Unauthorized Publication of Name, Image, or Likeness, more generally referenced as Florida’s NIL statute. Generative AI “means a machine-based system that can, for a given set of human-defined objectives, emulate the structure and characteristics of input data in order to generate derived synthetic content, including images, videos, audio, text, and other digital content.” L. 490. Significant amendments are proposed for F.S. 540.08 by adding the term “image” to the NIL law.

Definition of Bot, L. 206: “means an automated online software application in which all or substantially all of the actions or posts of the account are not the result of a natural person.”

Definitions of Companion Chatbot and Companion Chatbot Platform (“CC platform”), at LL. 209 – 229. The Companion Chatbot is an AI “system with a natural language interface that provides adaptive, human-like responses to user inputs and is capable of meeting a user’s social needs, including by exhibiting anthropomorphic features and being able to sustain a relationship across multiple interactions.” L. 209.

At L. 210, delete “system” from the definition of Companion Chatbot because the definition of AI refers to a system. See L. 104.

Exclusions for definition of Companion Chatbot at L. 215-227. The exclusions include (a) chatbots “used only for” customer service (CRMs); (b) only for business’s operational purposes (productivity, analysis, source information, internal research, technical assistance); (c) Chatbots in video games which “do[] 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,” L. 218; and (d) stand-alone consumer electronic devices that function as a speaker and voice command interface (see ALEXA device).

One commentator has suggested limiting the CRM chatbot exclusion. Consider the following edit:

At L. 215, delete “customer service” and insert - - customer service which does not involve a user’s social, non-financial needs, - -

explicit that responsibility for clinical judgment, professional conduct, and patient outcomes remains with the licensed practitioner or provider (and, where applicable, the deploying organization), regardless of whether AI-assisted systems are involved.

Definition of deidentified data at L. 230. Deidentified data means “data that cannot reasonably be linked to an identified or identifiable individual or a device linked to that individual,” which is consistent with Florida’s Digital Bill of Rights, Fla. Stat. 501.71. However, but that law applies only to large companies grossing \$1 Billion in revenues.⁵ Several AI Task Force members suggested Florida adopt a national standard from the National Institute of Standards and Technology (NIST) rather than prescribe by regulation deidentified data. Note that proposed SB 692 (and companion bill HB 635) requires a vendor to the State to 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. See SB 692, L. 49-53. Hence, NIST deidentified data standards should be referenced in the Act.

4. The “Criminal Acts” Right at L. 173

It is interesting to note that the AI Bill of Rights at L. 173 proposes a “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.” However, the Act does not indicate that such criminal acts also support a violation of FDUTPA as acts of unfair competition. The AI Task Force notes that Florida’s Deep Fakes Act, Fla. Stat. 836.13, makes it a crime to use an altered sexual depiction, defined as “any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person. Fla. Stat. 836.13(1)(a).

5. Age Verification

Several commentators have noted that the Act does not have an “age verification” process. Hence, consider the following edits which are proposed by the U.S. Senate in the GUARD Act (S. 3062, Oct. 28, 2025). Existing Florida laws, Fla. Stat. 501.1737 and 501.1738, refer to an anonymous age verification as “a commercially reasonable method used by a government agency or a business for the purpose of age verification” but does not specify what type of identification is needed. The GUARD Act is more specific.

⁵ Florida’s Digital Bill of Rights defines biometric data, personal data, and sensitive data. Personal data means “any information, including sensitive data, which is linked or reasonably linkable to an identified or identifiable individual. The term includes pseudonymous data when the data is used by a controller or processor in conjunction with additional information that reasonably links the data to an identified or identifiable individual. The term does not include deidentified data or publicly available information.” Fla. Stat. 501.702(19).

At L. 242, insert the following paragraph before L. 242 “(13) ‘Resident’” and insert - - (13) “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. - -

At L. 260, delete “consent” and insert - - consent with a reasonable age verification measure - -

At L. 262, delete “consent” and insert - - consent with a reasonable age verification measure - -

At L. 284, delete “consent” and insert - - consent with a reasonable age verification measure - -

6. Consumer Protections Regarding Bots

Another commentator suggested that the consumer protections regarding bots section require that the AI system, when asked by a user, must respond with the pop-up message. Consider the following edit which requires an AI notice when the user asks whether the system is an AI:

At L. 359, delete “bot, and” and insert - - bot, and when asked by a user, and - -

7. Florida's Companion Chatbot Bills (SB 482, SB 1344, and HB 659)

The 2025-2026 Florida legislative session includes three bills addressing companion AI chatbots: SB 482 (Senator Leek), SB 1344 (Senator Burton), and HB 659 (Representative Hunschofsky). The three bills take meaningfully different approaches: (A) **SB 482** embeds companion chatbot regulation within a broader "Artificial Intelligence Bill of Rights" framework, with a primary focus on parental controls and minor protections; (B) **SB 1344** is a standalone bill that requires age verification for all users (adults and minors) before granting access; and (C) **HB 659** emphasizes self-harm prevention and crisis intervention, requiring detailed protocols, 988 crisis referrals, and annual reporting to the Department of Legal Affairs. All three bills share the same effective date, require some form of disclosure that users are interacting with AI, and restrict minor access to sexually explicit content. All are enforced under FDUTPA by the Attorney General / Department of Legal Affairs.

The Chatbot Comparison Addendum attached to these Technical Notes includes a chart comparing the three proposed Acts and a chart listing other state laws.

8. Effective Date of the Act

It is suggested that the effective date of the Act be extending to 2027. This change will enable the parties impacted by the Act sufficient time to create systems and processes within the parameters of the Act. Please edit:

L. 642, and delete "July 1, 2026" and insert - - July 1, 2027 - -

9. President Trump's Executive AI Order EO 14365

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.

Importantly, EO 14365 includes a Child Safety Carve-Out. The federal legislative recommendation "shall not propose preempting otherwise lawful State AI laws relating to: (i) child safety 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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ADDENDUM: Florida's Companion Chatbot Bills (SB 482, SB 1344, and HB 659)

The key provisions of the three companion AI chatbot bills: SB 482 (Senator Leek), SB 1344 (Senator Burton), and HB 659 (Representative Hunschofsky) are set forth in the following Chart. All three bills share the same effective date, require some form of disclosure that users are interacting with AI, and restrict minor access to sexually explicit content. All are enforced under FDUTPA by the Attorney General / Department of Legal Affairs.

The key provisions of the bills include:

Provision	SB 482	SB 1344	HB 659
Statutory Location	Creates § 501.9984	Creates § 501.1739	Creates § 501.172
Definition Approach	Capability-based	Purpose-based	Capability-based (same as SB 482)
Exclusions	Yes (customer service, video games, voice assistants)	None	Yes (same as SB 482)
Mandatory Account Creation	Not required for adults	Required for all users	Not required
Age Verification	Not explicitly required	Mandatory for all users	Required (per § 501.1737)
Existing Account Treatment	Terminate minor accounts without parental consent (90-day dispute)	Freeze all accounts on 7/1/26 until verified	Not addressed
Parental Consent	Required for minors	Required; parental account affiliation	Not specified

Provision	SB 482	SB 1344	HB 659
Parental Controls	Extensive (time limits, interaction logs, self-harm notifications)	Limited (parental account affiliation only)	Not specified
AI Disclosure Frequency	Every hour (minors)	Every 60 minutes (all users)	Every 3 hours (minors)
Self-Harm Protocol	Parent notification	None	Detailed (988 referral, detect/remove, publish protocol)
Content Restrictions (Minors)	"Material harmful to minors" (§ 501.1737)	"Sexually explicit communication"	"Sexually explicit conduct"
Annual Reporting	No	No	Yes (to DLA, starting 7/1/27)
Age Verification Confidentiality	Not addressed	Required (per § 501.1738)	Not addressed
Third-Party Liability	Not addressed	Yes (age verification providers)	Not addressed
Enforcement Authority	Department of Legal Affairs	Department of Legal Affairs	Attorney General
Civil Penalty	Up to \$50,000/violation	Up to \$50,000/violation	Standard FDUTPA (not specified)
Cure Period	None	None	30 days

Provision	SB 482	SB 1344	HB 659
Punitive Damages	Yes (pattern conduct)	Not specified	Not specified
Private Right of Action	Yes (minors only; up to \$10,000)	No	No
Subpoena Obstruction Penalty	\$5,000/week	\$5,000/week	Not specified
Effective Date	July 1, 2026	July 1, 2026	July 1, 2026

If multiple bills pass without harmonization, operators would need to reconcile potentially conflicting requirements.

Comparison of SB 482's Companion Chatbot Provisions with California and New York Laws

Other states have begun regulating AI companion chatbots. New York's AI Companion Models statute (N.Y. Gen. Business Law § 1700, et seq.) went into effect on November 5, 2025, making it the first state to impose obligations on companion chatbot operators beyond simple AI disclosure requirements. California's companion chatbot law (SB 243) took effect January 1, 2026.

Both California and New York laws require companion chatbot operators to provide clear and conspicuous notifications to users that they are interacting with AI rather than a human. New York mandates this at the start of interactions and at least every three hours during continuing sessions, while California triggers the requirement when a reasonable person would be misled. Both states also require operators to maintain protocols for detecting and addressing user expressions of suicidal ideation or self-harm and referring affected users to crisis service providers. California adds minor-specific protections, including break reminders every three hours and measures to prevent sexually explicit content, plus annual reporting to the Office of Suicide Prevention beginning July 1, 2027. New York provides enforcement through the Attorney General (up to \$15,000/day penalties) and a private right of action for individuals (\$1,000 per violation or actual damages).

The Florida bills are unique from the CA and NY bills in several ways:

1. **Florida is the most focused on minors.** SB 482's companion chatbot provisions apply almost exclusively to minors, while NY applies to all users.
2. **Florida has the most aggressive parental controls.** Only Florida requires parental consent and allows parents to receive copies of all interactions, set time limits, and receive self-harm notifications.
3. **Florida's penalties are the highest.** At \$50,000 per violation (vs. NY's \$15,000/day), Florida's penalty structure could result in significantly greater exposure.
4. **Different self-harm approaches.** NY and CA require crisis service referrals; SB 482 and 1344 do not require any reporting. HB 659 requires operators to file annual reports with the Department of Legal Affairs (beginning July 1, 2027) detailing the number of 988 referrals issued and the protocols in place.

Potential Conflicts and Inconsistencies in Florida's bills:

1. **Definitional Mismatch.** SB 482 and HB 659 employ a capability-based definition (i.e., can the system meet social needs?) whereas SB 1344 employs a purpose-based definition (i.e., does it exist primarily to simulate emotional interaction?). A system could satisfy one definition but not the other.
2. **Exclusion Conflicts.** SB 482 and HB 659 exclude customer service chatbots, video game NPCs (with limitations), and voice assistants. SB 1344 has no exclusions. An operator of an excluded system under SB 482/HB 659 may still be subject to SB 1344's age-verification mandate.
3. **Disclosure Frequency.** SB 482 and SB 1344 require hourly/60-minute notifications; HB 659 requires only every 3 hours for minors. Operators would need to implement the most frequent interval (hourly) to comply with all three.
4. **Self-Harm Approach.** SB 482 requires parental notification when minors express self-harm intent. HB 659 requires 988 crisis referrals to the user. SB 1344 has no self-harm provisions. If both SB 482 and HB 659 pass, operators would need to implement both parental notification and crisis referrals.