



Top Legal Issues Checklist

Using AI in Your City

Disclaimer: *This checklist is for general educational purposes and does not constitute legal advice. City officials should consult their city attorney before adopting AI tools or responding to public records or Sunshine Law requests involving AI.*

City halls across Florida are moving fast on AI. The law is moving too, though not always in the same direction. This checklist walks through the legal areas city leaders and staff should review before deploying AI tools, and it flags the questions worth bringing to your city attorney.

Public Records (Chapter 119)

Florida's public records law is broad by design. If a document is made or received in connection with official business, it is a public record, regardless of how it was created. That now includes AI materials. A prompt typed into a chatbot on city business can be just as much a public record as a memo typed in a Word document. Questions to consider:

- Does your city have a policy covering which AI outputs count as public records?
- Do staff know that prompts, drafts, chat logs, and final AI-generated documents may be subject to disclosure?
- Has your city clerk been designated as responsible for AI workspaces and logs?
- Have you assigned retention categories for AI materials?

Note: Quick test runs can be deleted when done. Working drafts should be kept until the final version is issued. Outputs that support a city decision must be retained under the applicable retention schedule.

- If staff use AI transcription or note-taking tools during meetings, are those transcripts and summaries treated as records?
- Do you have a workflow for routing and tracking public records requests that involve AI-generated content?

For more in-depth guidance, see [Records Retention and Logging Guidelines for AI Use](#) on the FLC AI Hub.

Sunshine Law (Section 286.011)

When two or more members of a governing body discuss official business, they must do so at a properly noticed public meeting. AI does not change that rule. It does create new ways to break it by accident.

- Are elected officials using AI tools individually rather than through shared workspaces where one member's feedback could circulate to another?
- Has your city attorney reviewed any AI platform that multiple council members might use collaboratively?
- Do staff know how to recognize a tech-enabled quorum (for example, two members commenting on the same AI-generated draft inside a shared workspace)?

Procurement and Contracts

Standard purchasing rules still apply to AI subscriptions and software. Before signing a licensing deal, make sure your contracts address AI-specific risks:

- Does the contract clarify who owns the data the AI ingests and any outputs it produces?
- Does it specify security standards? Look for CJIS, HIPAA, or NIST controls depending on the use case.
- Does the agreement address what happens if the model changes or is updated mid-contract?
- Has counsel reviewed indemnity clauses against Florida's sovereign immunity limits (Section 768.28)?
- Does the contract explicitly prohibit the vendor from using your city's data to train models for other customers?
- Has the vendor been screened under Section 287.138?

Where a contract would grant a vendor access to personally identifiable information, Florida bars governmental entities from contracting with companies controlled by a foreign country of concern. AI tools with offshore ownership or hosting deserve a closer look.

Privacy and Cybersecurity

Florida's Local Government Cybersecurity Act ([Section 282.3185](#)) and the Florida Information Protection Act ([Section 501.171](#)) require cities to protect personal information and report incidents quickly.

Ransomware incidents must be reported to the state within 12 hours of discovery, other serious incidents within 48 hours, and affected residents generally must be notified within 30 days under Section 501.171.

AI tools that handle sensitive data create real exposure if not managed carefully.

- Does your city have a written rule prohibiting staff from entering protected health information (PHI) or criminal justice information (CJI) into unapproved AI platforms?
- For any health-related AI use, has the vendor signed a Business Associate Agreement (BAA) under HIPAA?
- For law enforcement or fire applications, has IT confirmed the platform complies with the FBI CJIS Security Policy (currently v6.0)?
- Do you have a documented incident response plan that covers AI-specific breaches, including log preservation and the statutory reporting deadlines above?

Human Resources and Hiring

Federal civil rights and disability laws apply to AI-assisted hiring. Under Title VII, algorithmic screening tools can count as “selection procedures.” That means cities can face liability for disparate impact if the tools aren’t validated as job-related.

Federal guidance has been shifting: the EEOC removed its May 2023 technical assistance document and its April 2024 Field Assistance Bulletin from its website in [January 2025](#), but the underlying legal obligations remain.

- Has legal reviewed any AI tool used in hiring, promotion, or performance decisions before deployment?
- Does your city keep records documenting how AI-assisted HR decisions get made and reviewed?
- Are humans making the final calls on any AI-flagged applicant rankings or evaluations?
- Have monitoring tools (productivity tracking, attention analytics) been reviewed for compliance with applicable state and federal law?

Copyright and Ownership

Under U.S. copyright law, only human authorship qualifies for protection (explicitly reaffirmed by the U.S. Court of Appeals for the D.C. Circuit in 2025, *Thaler v. Perlmutter*).

AI-generated content on its own isn’t copyrightable. There are still real questions worth sorting out before your city publishes or relies on AI-generated materials.

- Has staff been told to verify that AI-generated content doesn't reproduce copyrighted material?
- Do vendor agreements confirm your city has proper licenses for AI-generated outputs?
- Is every final product reviewed by a person who can take editorial responsibility for the content?

Liability and Insurance

Florida's sovereign immunity statute ([Section 768.28](#)) caps tort damages at \$200,000 per person and \$300,000 per incident, and limits how indemnity clauses can be written. Those caps nearly changed this year. The Legislature voted overwhelmingly to raise them during the 2026 session, but Gov. Ron DeSantis vetoed the bill in June. Standard vendor contracts often don't account for any of this.

- Have AI-related vendor contracts been reviewed to confirm indemnity provisions respect sovereign immunity limits?
- Has your risk manager confirmed whether existing cyber or technology errors insurance applies to AI-related incidents, such as data leakage or inaccurate outputs?
- Is there a plan in place if an AI tool produces output that leads to a resident complaint or legal claim?

Website Accessibility (New Federal Deadlines)

If your city offers an AI chatbot or virtual assistant on its website, it must work for all residents, including those with disabilities. Under the U.S. Department of Justice's rule implementing ADA Title II, state and local government websites and mobile apps must meet WCAG 2.1 Level AA accessibility standards.

In April 2026, DOJ extended the compliance deadlines by one year: cities of 50,000 or more now have until April 26, 2027, and smaller cities and special districts have until April 26, 2028.

- Has any chatbot, virtual assistant, or AI-powered resident portal been tested against WCAG 2.1 AA?
- Do AI vendor contracts make accessibility a requirement rather than a feature?
- Who in your city owns the remediation timeline for digital services that fall short?

Higher-Risk AI Uses: Algorithmic Impact Assessments

For AI applications that affect resident eligibility, benefits, or enforcement decisions, a brief Algorithmic Impact Assessment (AIA) is good practice. The NIST AI Risk Management Framework is a useful starting point.

- Have you identified which AI uses in your city fall into higher-risk categories?
- For those uses, does your city have documentation that covers what the tool does, what data it uses, who reviews the results, and how accuracy or bias is monitored?
- Is that documentation kept on file and updated as the tool or its use changes?

Staff Training and Internal Policy

Even a short, clearly communicated internal AI policy goes a long way. Cities that run into trouble are usually the ones where AI adoption happened quietly, department by department, without any shared understanding of the rules.

- Does your city have a written acceptable-use policy for AI?
- Does that policy address data sensitivity, record retention, and review requirements?
- Have staff been trained to fact-check AI outputs before using them in official communications or decisions?
- Is there a clear point of contact (a city clerk, IT lead, or designated AI coordinator) for questions about appropriate use?

What to Watch

No Florida law passed in 2026 changes the rules above, but two developments deserve a spot on your radar:

AI Bill of Rights: Gov. DeSantis's signature AI proposal ([SB 482](#)) passed the Florida Senate 35-2 during the regular session, then died in the House. A special session version ([SB 2-D](#)) died there too. The bill would have barred local governments from contracting for AI technology unless specific requirements were met. Legislative leaders have signaled the idea may return in 2027. If it passes in a future session, city AI procurement rules could change quickly.

Federal preemption: A [December 2025 executive order](#) directs the U.S. Department of Justice to challenge state AI laws it considers unlawful, and Congress is weighing legislation that would limit state AI regulation. Expect the state-level picture to stay unsettled for a while.

The obligations in this checklist rest on long-standing law (public records, open meetings, procurement, civil rights), and those foundations should stay relatively stable.

Sources: Florida statutes Ch. [119](#), [286.011](#), [282.3185](#), [287.138](#), [501.171](#), [768.28](#); [Title VII of the Civil Rights Act of 1964](#); [NIST AI Risk Management Framework](#); [FBI CJIS Security Policy](#); [Thaler v. Perlmutter \(D.C. Cir. 2025\)](#); [DOJ ADA Title II web accessibility rule](#) and [April 2026 deadline extension](#); [HB 145 \(2026\) bill summary](#).