AI at Work: The Rules and Risks Tampa Bay Employers Can't Ignore

AI is turning employees into vibe coders and hiring tools into legal exposure. The question for Tampa Bay employers is no longer whether the workforce will use AI — it is whether the business can control what AI is already doing.

Picture a business intelligence analyst at a Tampa company. Frustrated by a manual month-end process, she spends a few evenings with an AI coding assistant on her personal subscription and builds an automated reconciliation engine — no engineering background, not a line of code written by hand. It works so well that she shares it with her colleagues and within a month it is a key part of the company's financial close.

Two years later, she gives notice and hands over a letter from her lawyer. The reconciliation engine, it says, is hers. She was hired as an analyst, not a software engineer. She built the tool on her own time, using her own subscription. And she's taking it with her to her new employer. But she would be happy to license it back…for a reasonable fee.

The CFO now faces two bad options: pay a former employee for the software running the financial close, or rebuild. Either way, the next conversation with the executive team will not be about innovation. It will be about ownership, control, and why no one flagged the risk sooner.

WHO OWNS WHAT EMPLOYEES BUILD WITH AI?

Problems like these feel new. The legal machinery behind them is not. Many employers assume everything an employee creates with AI belongs to the company under the Copyright Act's work-made-for-hire doctrine. That assumption is dangerous: employers generally own employee-created works only when they are made within the scope of employment. Worse, solely AI-generated content does not enjoy copyright protection at all. And contractor-built tools are murkier still, since contractors generally do not qualify as employees.

When a marketing manager builds a dashboard or an HR coordinator builds an onboarding portal — the everyday reality of vibe coding — Courts will ask whether the work is the kind the employee was hired to perform, whether it was created during working hours, and why it was made. Each factor may unexpectedly cut against the employer. And if the tool incorporates third-party code or proprietary materials, an infringement lawsuit may not be far behind.

FIFTY STATES, MORE THAN FIFTY RULES

Ownership is only one concern. A more public and regulated, one the growing use of AI to decide who gets hired, promoted, scheduled, monitored, disciplined, or terminated.

Since 2023, New York City has required bias audits for automated hiring tools. Illinois has prohibited AI that produces a discriminatory effect in employment. California now treats automated decision systems as a covered employment practice. Texas's AI governance statute has been in force since January 1, 2026. Connecticut's employer obligations phase in starting October 2026, and Colorado's revised AI Act takes effect January 1, 2027.

Florida has passed none of them. For Tampa Bay employers, that may be the most dangerous fact on this page because it invites a "wait and see" approach. But a company with remote workers in Denver, applicants in Manhattan, or a national job posting is already operating inside other states' statutes, and regulators are confirming that algorithmic discrimination is actionable under existing civil rights law — no new statute required. In *Mobley v. Workday*, a nationwide age-discrimination collective was conditionally certified against an AI screening vendor as the employers' agent. The lesson is you cannot outsource a workforce decision to AI and keep legal distance from the result.

THREE MOVES TO MAKE BEFORE AI BECOMES EXHIBIT A

(1) Inventory everything. List every tool that screens, scores, ranks, monitors, schedules, or disciplines your people, then have someone outside HR check it — most companies undercount by half. Do the same for employee-built tools: an amnesty-style disclosure program finds them faster than an audit.

(2) Fix the paper. Confidentiality and invention-assignment agreements written for the pre-AI era often don't reach a vibe-coded tool built off-hours. Vendor contracts matter just as much: in several states, the default rule leaves the employer holding the loss from a biased tool unless the contract says otherwise. Ask AI vendors about bias testing, training data, audit rights, and indemnification — before renewal, not after the demand letter.

(3) Test for bias with counsel in the loop. Courts now distinguish between bias audits directed by lawyers, which may be privileged, and freelance testing, which can become discoverable evidence. Sequence it properly: counsel scopes the audit, the vendor tests, and findings drive fixes. These are not IT problems or HR problems — they are both at once.

THE MAP EMPLOYERS NOW NEED

Employers know AI creates legal risk. But knowing which laws apply now, which come next, and how fast a local decision becomes a multistate problem is a lot harder. So we built the resource our clients kept wishing existed: a plain-English tracker of 86 AI employment laws, bills, and agency actions — filterable, exportable, and updated as legislation develops. Explore it at theworkplaceahead.com, or reach our AI counsel at aitracker@carltonfields.com.

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Both spoke at the inaugural *The Workplace Ahead: AI, Talent, and the Future of Work* event, presented with the Tampa Bay Business Journal on August 5, 2026.

CARLTON FIELDS has spent 125 years helping businesses navigate moments when the law changes faster than the market. The firm's AI team is built across disciplines by design. When clients need guidance on AI in the workplace, the Labor and Employment and IP, Data and Technology practices work as one team. Together, they help Tampa Bay employers address hiring-tool compliance, workforce monitoring, intellectual property, data governance, vendor risk, and the next issue AI creates even before it has a settled name.

Workplace law, simplified.

Explore the tracker at theworkplaceahead.com

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