

1 A bill to be entitled
 2 An act relating to advanced technology; creating s.
 3 282.802, F.S.; creating the Government Technology
 4 Modernization Council within the Department of
 5 Management Services for a specified purpose; providing
 6 for council membership, meetings, and duties;
 7 requiring the council to annually submit specified
 8 legislative recommendations to the Governor and
 9 Legislature by a specified date; creating s. 501.174,
 10 F.S.; providing definitions; requiring certain
 11 entities and persons to adopt specified safety and
 12 transparency standards for chatbots, images, audio, or
 13 video generated by artificial intelligence; requiring
 14 certain entities and persons to allow chatbots,
 15 images, audio, or video generated by artificial
 16 intelligence to be recognizable as such to other
 17 artificial intelligence; requiring certain entities
 18 and persons to provide specified statements for
 19 communications or interactions generated by artificial
 20 intelligence; requiring certain state agencies to
 21 provide specified disclosures for interactions with
 22 artificial intelligence; authorizing the Department of
 23 Legal Affairs to bring actions for violations under
 24 the Florida Deceptive and Unfair Trade Practices Act;
 25 providing civil penalties; providing that the act does

26 | not establish private causes of action; providing that
 27 | certain entities and persons are subject to the
 28 | jurisdiction of state courts; authorizing the
 29 | department to adopt rules; creating s. 827.072, F.S.;
 30 | providing definitions; prohibiting persons from
 31 | knowingly possessing, controlling, or intentionally
 32 | viewing, or intentionally creating generated child
 33 | pornography generated by electronic, mechanical,
 34 | artificial intelligence, or other computer-generated
 35 | means; providing applicability; authorizing the
 36 | department to bring actions for violations under the
 37 | Florida Deceptive and Unfair Trade Practices Act;
 38 | providing civil and criminal penalties; amending s.
 39 | 92.561, F.S.; prohibiting the reproduction of
 40 | generated child pornography generated by electronic,
 41 | mechanical, artificial intelligence, or other
 42 | computer-generated means; providing an effective date.

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 44 | Be It Enacted by the Legislature of the State of Florida:

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 46 | Section 1. Section 282.802, Florida Statutes, is created
 47 | to read:

48 | 282.802 Government Technology Modernization Council.—

49 | (1) The Government Technology Modernization Council, an
 50 | advisory council as defined in s. 20.03(7), is created within

51 the department. Except as otherwise provided in this section,
52 the advisory council shall operate in a manner consistent with
53 s. 20.052.

54 (2) The purpose of the council is to study and monitor the
55 development and deployment of new technologies and provide
56 reports on recommendations for procurement and regulation of
57 such systems to the Governor, the President of the Senate, and
58 the Speaker of the House of Representatives.

59 (3) The council shall be comprised of the following
60 members:

61 (a) The Lieutenant Governor or his or her designee.

62 (b) The state chief information officer.

63 (c) The Secretary of Commerce or his or her designee.

64 (d) The Secretary of Health Care Administration or his or
65 her designee.

66 (e) The Commissioner of Education or his or her designee.

67 (f) The Secretary of Transportation or his or her
68 designee.

69 (g) The Executive Director of the Department of Law
70 Enforcement or his or her designee.

71 (h) Eight representatives with senior level experience or
72 expertise in artificial intelligence, cloud computing, identity
73 management, data science, machine learning, government
74 procurement, financial technology, education technology, and
75 constitutional law, with six appointed by the Governor, one

76 appointed by the President of the Senate, and one appointed by
 77 the Speaker of the House of Representatives.

78 (i) One member of the Senate, appointed by the President
 79 of the Senate or his or her designee.

80 (j) One member of the House of Representatives, appointed
 81 by the Speaker of the House of Representatives or his or her
 82 designee.

83 (4) Members shall serve for terms of 4 years, except that
 84 sitting members of the Senate and the House of Representatives
 85 shall serve terms that correspond with their terms of office.
 86 For the purpose of providing staggered terms, the initial
 87 appointments of members made by the Governor shall be for terms
 88 of 2 years. A vacancy shall be filled for the remainder of the
 89 unexpired term in the same manner as the initial appointment.
 90 All members of the council are eligible for reappointment.

91 (5) The Secretary of Management Services, or his or her
 92 designee, shall serve as the ex officio, nonvoting executive
 93 director of the council.

94 (6) Members of the council shall serve without
 95 compensation but are entitled to receive reimbursement for per
 96 diem and travel expenses pursuant to s. 112.061.

97 (7) Members of the council shall maintain the confidential
 98 and exempt status of information received in the performance of
 99 their duties and responsibilities as members of the council. In
 100 accordance with s. 112.313, a current or former member of the

101 council may not disclose or use information not available to the
102 general public and gained by reason of his or her official
103 position, except for information relating exclusively to
104 governmental practices, for his or her personal gain or benefit
105 or for the personal gain or benefit of any other person or
106 business entity. Members of the council shall sign an agreement
107 acknowledging the provisions of this subsection.

108 (8)(a) The council shall meet at least quarterly to:

109 1. Recommend legislative and administrative actions that
110 the Legislature and state agencies as defined in s. 282.318(2)
111 may take to promote the development of data modernization in
112 this state.

113 2. Assess and provide guidance on necessary legislative
114 reforms and the creation of a state code of ethics for
115 artificial intelligence systems in state government.

116 3. Assess the effect of automated decision systems or
117 identity management on constitutional and other legal rights,
118 duties, and privileges of residents of this state.

119 4. Evaluate common standards for artificial intelligence
120 safety and security measures, including the benefits of
121 requiring disclosure of the digital provenance for all images
122 and audio created using generative artificial intelligence as a
123 means of revealing the origin and edit of the image or audio, as
124 well as the best methods for such disclosure.

125 5. Assess how governmental entities and the private sector

126 are using artificial intelligence with a focus on opportunity
127 areas for deployments in systems across this state.

128 6. Determine how artificial intelligence is being
129 exploited by bad actors, including foreign countries of concern
130 as defined in s. 287.138(1).

131 7. Evaluate the need for curriculum to prepare school-age
132 audiences with the digital media and visual literacy skills
133 needed to navigate the digital information landscape.

134 (b) At least one quarterly meeting of the council must be
135 a joint meeting with the Florida Cybersecurity Advisory Council.

136 (9) By December 31, 2024, and each December 31 thereafter,
137 the council shall submit to the Governor, the President of the
138 Senate, and the Speaker of the House of Representatives any
139 legislative recommendations considered necessary by the council
140 to modernize government technology, including:

141 (a) Recommendations for policies necessary to:

142 1. Accelerate adoption of technologies that will increase
143 productivity of state enterprise information technology systems,
144 improve customer service levels of government, and reduce
145 administrative or operating costs.

146 2. Promote the development and deployment of artificial
147 intelligence systems, financial technology, education
148 technology, or other enterprise management software in this
149 state.

150 3. Protect Floridians from bad actors who use artificial

151 intelligence.

152 (b) Any other information the council considers relevant.

153 Section 2. Section 501.174, Florida Statutes, is created
154 to read:

155 501.174 Artificial intelligence transparency.-

156 (1) As used in this section, the term:

157 (a) "Artificial intelligence" means software that is
158 developed with machine-learning, logic- and knowledge-based, or
159 statistical approaches and can, for a given set of human-defined
160 objectives, generate or synthesize outputs such as content,
161 predictions, recommendations, or decisions influencing certain
162 environments.

163 (b) "Department" means the Department of Legal Affairs.

164 (2) An entity or person who offers for viewing or
165 interaction a chatbot, image, audio, or video output generated
166 by artificial intelligence for a commercial purpose to the
167 Florida public in a manner where the public would reasonably
168 believe that such output is not generated using artificial
169 intelligence must adopt safety and transparency standards that
170 disclose to consumers that such chatbot, image, audio, or video
171 output is generated by artificial intelligence.

172 (3) An entity or person who develops a chatbot, image,
173 audio, or video generated by artificial intelligence must allow
174 such chatbot, image, audio, or video to be recognizable as
175 generated by artificial intelligence to other artificial

176 intelligence.

177 (4) If a natural person in this state is able to
178 communicate or interact with an entity or person for commercial
179 purposes through a chatbot, image, audio, or video generated by
180 artificial intelligence, such entity or person must provide a
181 clear and conspicuous statement on the entity's or person's
182 Internet homepage or landing page that such chatbot, image,
183 audio, or video is generated by artificial intelligence.

184 (5) Any state agency as defined in s. 282.318(2) which
185 uses artificial intelligence must disclose if a person is
186 interacting with artificial intelligence when interacting with
187 the agency and ensure that any confidential information
188 accessible to an artificial intelligence system remains
189 confidential.

190 (6) (a) Any violation of subsection (2) or subsection (3)
191 is an unfair and deceptive trade practice actionable under part
192 II of this chapter solely by the department. If the department
193 has reason to believe that a violation of this section has
194 occurred, the department, as the enforcing authority, may bring
195 an action for an unfair or deceptive act or practice. For the
196 purpose of bringing an action pursuant to this section, ss.
197 501.211 and 501.212 do not apply. In addition to other remedies
198 under part II of this chapter, the department may collect a
199 civil penalty of up to \$50,000 per violation of this section.

200 (b) This section does not establish a private cause of

201 action.

202 (7) For purposes of bringing an action pursuant to this
 203 section, any entity or person who produces or uses artificial
 204 intelligence that is distributed to or viewable by the public in
 205 this state is considered to be both engaged in substantial and
 206 not isolated activities within this state and operating,
 207 conducting, engaging in, or carrying on a business, and doing
 208 business in this state, and is therefore subject to the
 209 jurisdiction of the courts of this state.

210 (8) The department may adopt rules to implement this
 211 section.

212 Section 3. Section 827.072, Florida Statutes, is created
 213 to read:

214 827.072 Generated child pornography.-

215 (1) As used in this section, the term:

216 (a) "Artificial intelligence" means software that is
 217 developed with machine-learning, logic- and knowledge-based, or
 218 statistical approaches and can, for a given set of human-defined
 219 objectives, generate or synthesize outputs such as content,
 220 predictions, recommendations, or decisions influencing certain
 221 environments.

222 (b) "Child" or "minor" means any person younger than 18
 223 years of age.

224 (c) "Generated child pornography" means any image that has
 225 been created, altered, adapted, modified, generated, or

226 synthesized by electronic, mechanical, artificial intelligence,
227 or other computer-generated means to portray a fictitious minor
228 that a person viewing the image would reasonably believe is a
229 real minor engaged in sexual conduct.

230 (d) "Intentionally view" has the same meaning as in s.
231 827.071(1).

232 (e) "Sexual conduct" has the same meaning as in s.
233 827.071(1).

234 (2)(a) It is unlawful for a person to knowingly possess,
235 control, or intentionally view a photograph, a motion picture, a
236 representation, an image, a data file, a computer depiction, or
237 any other presentation which, in whole or in part, he or she
238 knows includes generated child pornography. The possession,
239 control, or intentional viewing of each such photograph, motion
240 picture, representation, image, data file, computer depiction,
241 or other presentation is a separate offense. A person who
242 violates this paragraph commits a felony of the third degree,
243 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

244 (b) A person who intentionally creates generated child
245 pornography commits a felony of the third degree, punishable as
246 provided in s. 775.082, s. 775.083, or s. 775.084.

247 (c) Paragraph (a) does not apply to any material
248 possessed, controlled, or intentionally viewed as part of a law
249 enforcement investigation.

250 (3) In addition to the criminal penalties provided in this

251 section, any violation of paragraph (2)(b) committed in the
252 conduct of any trade or commerce is an unfair and deceptive
253 trade practice actionable under part II of chapter 501 solely by
254 the Department of Legal Affairs. If the department has reason to
255 believe that a violation of paragraph (2)(b) has occurred, the
256 department, as the enforcing authority, may bring an action for
257 an unfair or deceptive act or practice. For the purpose of
258 bringing an action pursuant to this subsection, s. 501.211 does
259 not apply. In addition to other remedies under part II of
260 chapter 501, the department may collect a civil penalty of up to
261 \$50,000 per violation of paragraph (2)(b).

262 Section 4. Section 92.561, Florida Statutes, is amended to
263 read:

264 92.561 Prohibition on reproduction of child pornography.—

265 (1) In a criminal proceeding, any property or material
266 that portrays sexual performance by a child as defined in s.
267 827.071, constitutes generated child pornography as defined in
268 s. 827.072, or constitutes child pornography as defined in s.
269 847.001~~7~~, must remain secured or locked in the care, custody, and
270 control of a law enforcement agency, the state attorney, or the
271 court.

272 (2) Notwithstanding any law or rule of court, a court
273 shall deny, in a criminal proceeding, any request by the
274 defendant to copy, photograph, duplicate, or otherwise reproduce
275 any property or material that portrays sexual performance by a

276 | child, constitutes generated child pornography, or constitutes
277 | child pornography so long as the state attorney makes the
278 | property or material reasonably available to the defendant.

279 | (3) For purposes of this section, property or material is
280 | deemed to be reasonably available to the defendant if the state
281 | attorney provides ample opportunity at a designated facility for
282 | the inspection, viewing, and examination of the property or
283 | material that portrays sexual performance by a child,
284 | constitutes generated child pornography, or constitutes child
285 | pornography by the defendant, his or her attorney, or any
286 | individual whom the defendant uses as an expert during the
287 | discovery process or at a court proceeding.

288 | Section 5. This act shall take effect July 1, 2024.