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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2024	.	
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The Committee on Rules (Bradley) recommended the following:

1   **Senate Substitute for Amendment (771582) (with title**
2   **amendment)**
3
4   Delete lines 32 - 160
5   and insert:
6   development and deployment of new technologies and provide
7   reports on recommendations for procurement and regulation of
8   such systems to the Governor, the President of the Senate, and
9   the Speaker of the House of Representatives.
10   (3) The council shall be composed of the following members:
11   (a) The Lieutenant Governor.

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12   (b) The state chief information officer.

13   (c) The Secretary of Commerce.

14   (d) The Secretary of Health Care Administration.

15   (e) The Commissioner of Education.

16   (f) Seven representatives with senior level experience or

17 expertise in artificial intelligence, cloud computing, identity

18 management, data science, machine learning, government

19 procurement, financial technology, education technology, and

20 constitutional law, with five appointed by the Governor, one

21 appointed by the President of the Senate, and one appointed by

22 the Speaker of the House of Representatives.

23   (g) One member of the Senate, appointed by the President of

24 the Senate or his or her designee.

25   (h) One member of the House of Representatives, appointed

26 by the Speaker of the House of Representatives or his or her

27 designee.

28   (4) Members shall serve for terms of 4 years, except that

29 sitting members of the Senate and the House of Representatives

30 shall serve terms that correspond with their terms of office.

31 For the purpose of providing staggered terms, the initial

32 appointments of members made by the Governor shall be for terms

33 of 2 years. A vacancy shall be filled for the remainder of the

34 unexpired term in the same manner as the initial appointment.

35 All members of the council are eligible for reappointment.

36   (5) The Secretary of Management Services, or his or her

37 designee, shall serve as the ex officio, nonvoting executive

38 director of the council.

39   (6) Members of the council shall serve without compensation

40 but are entitled to receive reimbursement for per diem and

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41 travel expenses pursuant to s. 112.061.
42   (7)(a) The council shall meet at least quarterly to:
43   1. Recommend legislative and administrative actions that
44 the Legislature and state agencies as defined in s. 282.318(2)
45 may take to promote the development of data modernization in
46 this state.
47   2. Assess and provide guidance on necessary legislative
48 reforms and the creation of a state code of ethics for
49 artificial intelligence systems in state government.
50   3. Assess the effect of automated decision systems or
51 identity management on constitutional and other legal rights,
52 duties, and privileges of residents of this state.
53   4. Evaluate common standards for artificial intelligence
54 safety and security measures, including the benefits of
55 requiring disclosure of the digital provenance for all images
56 and audio created using generative artificial intelligence as a
57 means of revealing the origin and edit of the image or audio, as
58 well as the best methods for such disclosure.
59   5. Assess the manner in which governmental entities and the
60 private sector are using artificial intelligence with a focus on
61 opportunity areas for deployments in systems across this state.
62   6. Determine the manner in which artificial intelligence is
63 being exploited by bad actors, including foreign countries of
64 concern as defined in s. 287.138(1).
65   7. Evaluate the need for curriculum to prepare school-age
66 audiences with the digital media and visual literacy skills
67 needed to navigate the digital information landscape.
68   (b) At least one quarterly meeting of the council must be a
69 joint meeting with the Florida Cybersecurity Advisory Council.

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70   (8) By December 31, 2024, and each December 31 thereafter,
71   the council shall submit to the Governor, the President of the
72   Senate, and the Speaker of the House of Representatives any
73   legislative recommendations considered necessary by the council
74   to modernize government technology, including:
75   (a) Recommendations for policies necessary to:
76   1. Accelerate adoption of technologies that will increase
77   productivity of state enterprise information technology systems,
78   improve customer service levels of government, and reduce
79   administrative or operating costs.
80   2. Promote the development and deployment of artificial
81   intelligence systems, financial technology, education
82   technology, or other enterprise management software in this
83   state.
84   3. Protect Floridians from bad actors who use artificial
85   intelligence.
86   (b) Any other information the council considers relevant.
87   Section 2. Section 827.072, Florida Statutes, is created to
88   read:
89   827.072 Generated child pornography.—
90   (1) As used in this section, the term:
91   (a) "Generated child pornography" means any image that has
92   been created, altered, adapted, or modified by electronic,
93   mechanical, or other computer-generated means to portray a
94   fictitious person, who a reasonable person would regard as being
95   a real person younger than 18 years of age, engaged in sexual
96   conduct.
97   (b) "Intentionally view" has the same meaning as in s.
98   827.071.

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99   (c) "Sexual conduct" has the same meaning as in s. 827.071.

100   (2)(a) It is unlawful for a person to knowingly possess or

101 control or intentionally view a photograph, a motion picture, a

102 representation, an image, a data file, a computer depiction, or

103 any other presentation which, in whole or in part, he or she

104 knows includes generated child pornography. The possession,

105 control, or intentional viewing of each such photograph, motion

106 picture, representation, image, data file, computer depiction,

107 or other presentation is a separate offense. A person who

108 violates this paragraph commits a felony of the third degree,

109 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

110   (b) A person who intentionally creates generated child

111 pornography commits a felony of the third degree, punishable as

112 provided in s. 775.082, s. 775.083, or s. 775.084.

113   (c) Paragraph (a) does not apply to any material possessed,

114 controlled, or intentionally viewed as part of a law enforcement

115 investigation.

116   Section 3. Section 92.561, Florida Statutes, is amended to

117 read

118   92.561 Prohibition on reproduction of child pornography.—

119   (1) In a criminal proceeding, any property or material that

120 portrays sexual performance by a child as defined in s. 827.071,

121 generated child pornography as defined in s. 827.072, or

122 constitutes child pornography as defined in s. 847.001, must

123 remain secured or locked in the care, custody, and control of a

124 law enforcement agency, the state attorney, or the court.

125   (2) Notwithstanding any law or rule of court, a court shall

126 deny, in a criminal proceeding, any request by the defendant to

127 copy, photograph, duplicate, or otherwise reproduce any property

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128 | or material that portrays sexual performance by a child,
129 | generated child pornography, or constitutes child pornography so
130 | long as the state attorney makes the property or material
131 | reasonably available to the defendant.
132 | (3) For purposes of this section, property or material is
133 | deemed to be reasonably available to the defendant if the state
134 | attorney provides ample opportunity at a designated facility for
135 | the inspection, viewing, and examination of the property or
136 | material that portrays sexual performance by a child, generated
137 | child pornography, or constitutes child pornography by the
138 | defendant, his or her attorney, or any individual whom the
139 | defendant uses as an expert during the discovery process or at a
140 | court proceeding.
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142 |
143 | ================ T I T L E   A M E N D M E N T ================
144 | And the title is amended as follows:
145 | Delete line 18
146 | and insert:
147 | pornography; providing criminal penalties; providing
148 | applicability; amending s. 92.561; prohibiting the
149 | reproduction of generated child pornography; providing