

By the Committees on Rules; and Ethics and Elections; and  
Senator DiCeglie

595-03107-24

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1 A bill to be entitled  
2 An act relating to the use of artificial intelligence  
3 in political advertising; creating s. 106.145, F.S.;  
4 defining the term "generative artificial  
5 intelligence"; requiring that certain political  
6 advertisements, electioneering communications, or  
7 other miscellaneous advertisements include a specified  
8 disclaimer; specifying requirements for the  
9 disclaimer; providing for civil and criminal  
10 penalties; authorizing the filing of complaints  
11 regarding violations with the Florida Elections  
12 Commission; requiring the commission to adopt  
13 specified rules; requiring the director of the  
14 Division of Administrative Hearings to assign an  
15 administrative law judge to provide an expedited  
16 hearing if certain conditions exist; providing an  
17 effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 106.145, Florida Statutes, is created to  
22 read:

23 106.145 Use of artificial intelligence.—

24 (1) As used in this section, the term "generative  
25 artificial intelligence" means a machine-based system that can,  
26 for a given set of human-defined objectives, emulate the  
27 structure and characteristics of input data in order to generate  
28 derived synthetic content, including images, video, audio, text,  
29 and other digital content.

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30 (2) If a political advertisement, an electioneering  
31 communication, or other miscellaneous advertisement of a  
32 political nature contains images, video, audio, graphics, or  
33 other digital content created in whole or in part with the use  
34 of generative artificial intelligence, if the generated content  
35 appears to depict a real person performing an action that did  
36 not actually occur, and if the generated content was created  
37 with intent to injure a candidate or to deceive regarding a  
38 ballot issue, the political advertisement, electioneering  
39 communication, or other miscellaneous advertisement must  
40 prominently state the following disclaimer: "Created in whole or  
41 in part with the use of generative artificial intelligence  
42 (AI)."

43 (3) The disclaimer must:

44 (a) For a printed communication, be stated in bold font  
45 with a font size of at least 12 points.

46 (b) For a television or video communication, be clearly  
47 readable throughout the communication and occupy at least 4  
48 percent of the vertical picture height.

49 (c) For an Internet public communication that includes text  
50 or graphic components, be viewable without the user taking any  
51 action and be large enough to be clearly readable.

52 (d) For any audio component of a communication, be at least  
53 3 seconds in length and spoken in a clearly audible and  
54 intelligible manner at either the beginning or the end of the  
55 audio component of the communication.

56 (e) For a graphic communication, appear in letters at least  
57 as large as the majority of the text in the communication.

58 (4) (a) In addition to any civil penalties provided by law,

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59 a person who pays for, sponsors, or approves a political  
60 advertisement, an electioneering communication, or other  
61 miscellaneous advertisement of a political nature which is  
62 required to contain the disclaimer prescribed in this section  
63 and who fails to include the required disclaimer commits a  
64 misdemeanor of the first degree, punishable as provided in s.  
65 775.082 or s. 775.083.

66 (b) A person may file a complaint with the Florida  
67 Elections Commission pursuant to s. 106.25 alleging a violation  
68 of this section. The commission shall adopt rules to provide an  
69 expedited hearing of complaints filed under this section, or, in  
70 cases referred to the Division of Administrative Hearings  
71 pursuant to s. 106.25(5), the director shall assign an  
72 administrative law judge to provide an expedited hearing.

73 Section 2. This act shall take effect July 1, 2024.