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CS/HB 919

2024 Legislature

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An act relating to artificial intelligence use in political advertising; creating s. 106.145, F.S.; providing a definition; requiring certain political advertisements, electioneering communications, or other miscellaneous advertisements to include a specified disclaimer; specifying requirements for the disclaimer; providing for criminal and civil penalties; authorizing any person to file certain complaints; providing for expedited hearings; providing an effective date.

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

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

106.145 Use of artificial intelligence.—

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

(2) If a political advertisement, an electioneering communication, or other miscellaneous advertisement of a

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26 political nature contains images, video, audio, graphics, or
 27 other digital content created in whole or in part with the use
 28 of generative artificial intelligence, if the generated content
 29 appears to depict a real person performing an action that did
 30 not actually occur, and if the generated content was created
 31 with intent to injure a candidate or to deceive regarding a
 32 ballot issue, the political advertisement, electioneering
 33 communication, or other miscellaneous advertisement must
 34 prominently state the following disclaimer: "Created in whole or
 35 in part with the use of generative artificial intelligence
 36 (AI)." The disclaimer required in this section is in addition to
 37 any other disclaimer required under this chapter.

38 (3) The disclaimer must:

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

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

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

47 (d) For any audio component of a communication, be at
 48 least 3 seconds in length and spoken in a clearly audible and
 49 intelligible manner at either the beginning or the end of the
 50 audio component of the communication.

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51 (e) For a graphic communication, be large enough to be
52 clearly readable but no less than 4 percent of the vertical
53 height of the communication.

54 (4)(a) In addition to any civil penalties provided by law,
55 a person identified pursuant to another disclaimer required
56 under this chapter as paying for, sponsoring, or approving a
57 political advertisement, an electioneering communication, or
58 other miscellaneous advertisement of a political nature which is
59 required to contain the disclaimer prescribed in this section
60 and who fails to include the required disclaimer commits a
61 misdemeanor of the first degree, punishable as provided in s.
62 775.082 or s. 775.083.

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

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