

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/CS/HB 369](#)

**TITLE:** Provenance of Digital Content

**SPONSOR(S):** McFarland

**COMPANION BILL:** [CS/SB 702](#) (Burgess)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Information Technology Budget & Policy](#)  
17 Y, 0 N, As CS

[Economic Infrastructure](#)  
16 Y, 0 N, As CS

[Commerce](#)  
25 Y, 0 N, As CS

## SUMMARY

### Effect of the Bill:

The bill defines the term “provenance data” as information about the origin of digital content and the history of modifications to such content that identifies whether some or all of the content has been produced or modified by generative artificial intelligence. The bill requires artificial intelligence developers to apply provenance data to content or make a provenance application tool that enables a user to apply provenance data, either directly or through the use of third-party technology. It also requires an artificial intelligence developer to make available a free provenance reader. The bill requires social media platforms to retain all available provenance data of content uploaded to or posted on such platform and make it available in a readable format to the users of the platform. The bill provides that certain violations constitute an unfair or deceptive act. The provisions of the bill do not apply to any product, service, internet website, or application that exclusively provides video game experiences.

### Fiscal or Economic Impact:

The bill does not appear to have a fiscal impact on the state or local governments.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill creates a new section of law related to [provenance data](#) of digital content. The bill defines terms, including:

- “[Generative artificial intelligence](#)” has the same meaning as in [s. 106.145\(1\), F.S.](#)<sup>1</sup>
- “Generative artificial intelligence model” means an artificial intelligence system designed to generate new data or content based on the patterns or structures of its training data. The term does not include capabilities primarily intended for classification, predictions, or labeling.
- “Generative artificial intelligence developer” means an organization that develops a generative artificial intelligence tool that is publicly available.
- “Generative artificial intelligence tool” means a product or feature that provides the outputs from a generative artificial intelligence model to end users.
- “Provenance application tool” means a tool or online service that allows users to apply provenance data.
- “Provenance data” means information about the origin of digital content and the history of modifications to such content in a format that is compliant with widely adopted guidelines or specifications promulgated by an established standard-setting body. Provenance data must indicate whether some or all of the content is synthetic content. If there is synthetic content, the provenance data must identify the name of the generative artificial intelligence developer whose generative artificial intelligence tool generated the synthetic data. Provenance data must not include any personally identifying information, unique device,

<sup>1</sup> Section [106.145, F.S.](#), defines “generative artificial intelligence” as 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.

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system, or service information that is reasonably capable of being associated with a particular user, unless directed by the user.

- “Provenance reader” means a tool or service that allows users to view the provenance data.
- “Social media platform” means an online forum, website, or application that allows users to upload content or view content or activity of other users. The term does not include:
  - An online service, website, or application where the exclusive function is e-mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly to other users not specifically identified as the recipients by the sender;
  - An online service, website, or application, that consists primarily of news, sports, entertainment, or other information or content that is preselected by the provider, and for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content; or
  - An online service, application, or website that is used for providing or obtaining technical support.
- “Synthetic content” means any visual content that has been produced or modified by a generative artificial intelligence tool. (Section [1](#))

The bill provides that a generative artificial intelligence developer must:

- Make available a provenance application tool that enables the user to apply provenance data, either directly or through the use of third-party technology, to content that has been generated or modified to include synthetic content when such content is generated or modified using the developer's generative artificial intelligence tool; or
- Apply provenance data in a manner that is technically feasible and reasonable given the accepted state of the art, as reflected in commonly used industry standards, either directly or through the use of third-party technology, to content that has been generated or modified to include synthetic content. (Section [1](#))

The bill requires a generative artificial intelligence developer subject to the requirements of the bill to make available to the public for free, either directly or through the use of third-party technology, a provenance reader. (Section [1](#))

The bill requires a [social media](#) platform to retain all available provenance data of content uploaded to or posted on such platform, and make it available in a readable format to the users of the platform directly, through a conspicuous indicator that allows a user to access the provenance data, or both. This requirement does not apply in cases of the user’s removal of the data. (Section [1](#))

The bill provides that a violation of the law constitutes an [unfair or deceptive act or practice](#). (Section [1](#))

The bill states that it does not apply to any product, service, internet website, or application that exclusively provides video game experiences.

The bill provides an effective date of July 1, 2026. (Section [2](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Provenance Data](#)

The Coalition for Content Provenance and Authenticity (C2PA), an alliance between Adobe, Arm, Intel, Microsoft, and Truepic, addresses the issues of misleading digital media through the development of technical standards for certifying the source and history of media content.<sup>2</sup> The source and history of such content is often known as provenance. Provenance is trustworthy and tells the user about the origins of the digital content. It may include information about who created the digital content and how, when, and where it was created or edited.<sup>3</sup>

#### [Artificial Intelligence](#)

While strictly describing or defining artificial intelligence (AI) can be difficult as the term encompasses a large field of existing and emerging technologies, methodologies, and application areas, the Congressional Research Service has recently stated that AI is “generally thought of as computerized systems that work and react in ways commonly thought to require intelligence.”<sup>4</sup> The application of AI extends to areas such as “natural language processing, facial recognition, and robotics.”<sup>5</sup> A subset of AI, called [generative AI](#), a term which refers to “machine learning models developed through training on large volumes of data” for the purpose of generating new content, has undergone rapid advancement over the past few years.<sup>6</sup>

#### [Social Media Platforms](#)

The term “[social media](#)” includes “forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, videos, personal messages, and other content (such as videos).”<sup>7</sup> In 2005, the year Facebook started, just five percent of American adults used social media platforms. By 2023, over 80 percent use some type of social media.<sup>8</sup>

#### [Florida Deceptive and Unfair Trade Practices Act](#)

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA)<sup>9</sup> is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.<sup>10</sup> For a violation of the FDUTPA, the State Attorney or the Department of Legal Affairs may bring actions when it is in the public interest on behalf of consumers or governmental entities.<sup>11</sup> The Office of the State Attorney may enforce the act if the violation takes place in its jurisdiction.<sup>12</sup> The Department of Legal Affairs has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.<sup>13</sup> Consumers may also file suit through private actions.<sup>14</sup>

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<sup>2</sup> C2PA, *Overview*, available at <https://c2pa.org/> (last visited March 17, 2025).

<sup>3</sup> C2PA, *FAQ*, available at <https://c2pa.org/faq/> (last visited March 17, 2025).

<sup>4</sup> *Artificial Intelligence: Overview, Recent Advances, and Considerations for the 118<sup>th</sup> Congress*, Congressional Research Service, available at <https://crsreports.congress.gov/product/pdf/R/R47644> (last visited March 7, 2025).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*; See also *Generative Artificial Intelligence: Overview, Issues, and Questions for Congress*, Congressional Research Service, available at <https://crsreports.congress.gov/product/pdf/IF/IF12426> (last visited Mar. 12, 2024).

<sup>7</sup> Merriam-Webster, *Dictionary, Definition, Social Media*, <https://www.merriam-webster.com/dictionary/social%20media> (last visited March 7, 2025).

<sup>8</sup> Pew Research Center, *Americans’ Social Media Use*, (Jan.31, 2024), <https://www.pewresearch.org/internet/fact-sheet/social-media/> (last visited March 7, 2025).

<sup>9</sup> S. [501.201, F.S.](#)

<sup>10</sup> See s. [501.202, F.S.](#)

<sup>11</sup> See ss. [501.203\(2\)](#), [501.206](#), and [501.207, F.S.](#)

<sup>12</sup> S. [501.203\(2\), F.S.](#)

<sup>13</sup> *Id.*

<sup>14</sup> S. [501.211, F.S.](#)

The Department of Legal Affairs and the State Attorney, as enforcing authorities, may seek the following remedies:

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to \$10,000 per willful violation.<sup>15</sup>

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction where a person is aggrieved by a FDUTPA violation.
- Actual damages, attorney fees, and court costs, where a person has suffered a loss due to a FDUTPA violation.<sup>16</sup>

## BILL HISTORY

| COMMITTEE REFERENCE   | ACTION  | DATE      | STAFF<br>DIRECTOR/<br>POLICY CHIEF | ANALYSIS<br>PREPARED BY |
|---|---|-----------|------------------------------------|-------------------------|
| <a href="#">Information Technology Budget &amp; Policy Subcommittee</a> | 17 Y, 0 N, As CS  | 3/19/2025 | Davila                             | Harrington              |
| THE CHANGES ADOPTED BY THE COMMITTEE:                                   | <ul style="list-style-type: none"> <li>• Removed provisions pertaining to disclaimers on election materials;</li> <li>• Removed provisions pertaining to a pilot program at the Division of Emergency Management;</li> <li>• Removed provisions relating to capture devices;</li> <li>• Amended various definitions and requirements relating to AI;</li> <li>• Moved the effective date of the bill to July 1, 2026.</li> </ul>  |           |                                    |                         |
| <a href="#">Economic Infrastructure Subcommittee</a>                    | 16 Y, 0 N, As CS  | 3/31/2025 | Keating                            | Bauldree                |
| THE CHANGES ADOPTED BY THE COMMITTEE:                                   | <ul style="list-style-type: none"> <li>• Revised the definition for “social media platform” for the purposes of the bill.</li> <li>• Clarified that a generative artificial intelligence provider subject to the requirements of the bill shall make specified information available to the public.</li> </ul>  |           |                                    |                         |
| <a href="#">Commerce Committee</a>                                      | 25 Y, 0 N, As CS  | 4/15/2025 | Hamon                              | Bauldree                |
| THE CHANGES ADOPTED BY THE COMMITTEE:                                   | <ul style="list-style-type: none"> <li>• Replaced the term “generative artificial intelligence provider” with “generative artificial intelligence developer” and replaces references to “provider” with “developer” throughout the bill.</li> <li>• Removed “audio” from the definition of “synthetic content.”</li> <li>• Clarified the definition of “social media platform.”</li> <li>• Clarified that a generative artificial intelligence developer must make available a provenance application tool only when the content is generated or modified using the developer’s generative artificial intelligence tool.</li> <li>• Clarified that a generative artificial intelligence developer must apply provenance data in a manner that is technically feasible and reasonable, given the accepted state of the art, as reflected in commonly used industry standards.</li> <li>• Provided the bill does not apply to any product, service, internet website, or application that exclusively provides video game experiences.</li> </ul> |           |                                    |                         |

<sup>15</sup> Ss. [501.207\(1\)](#), [501.2075](#), and [501.208](#), F.S.

<sup>16</sup> S. [501.211\(2\)](#), F.S.

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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