By the Committee on Commerce and Tourism; and Senator Burgess

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1   A bill to be entitled
2   An act relating to provenance of digital content;
3   amending s. 106.145, F.S.; defining the term
4   "provenance data"; requiring that certain content
5   created by generative artificial intelligence
6   purporting to depict an electoral candidate include
7   digital provenance data; amending s. 252.353, F.S.;
8   creating a digital content provenance pilot program
9   within the Division of Emergency Management; providing
10   the pilot program's purpose; requiring the division to
11   include a conspicuous indicator with an encoded link
12   on the digital images and videos it creates after a
13   specified date to allow users to access provenance
14   data; requiring the division to submit an annual
15   report to the Legislature by a specified date;
16   specifying requirements for the report; providing for
17   future repeal; creating s. 501.9741, F.S.; defining
18   terms; requiring a provider of a generative artificial
19   intelligence tool to apply provenance data, either
20   directly or through a third-party technology, to
21   synthetic content wholly generated by the provider's
22   generative artificial intelligence tool; requiring a
23   provider of a generative artificial intelligence tool
24   to make available to the public specified tools and
25   readers to determine whether certain content was
26   created by the provider's generative artificial
27   intelligence tool; prohibiting the inclusion of
28   certain information in provenance data which is
29   reasonably capable of being associated with a

30   particular user, unless directed by the user;
31   requiring social media platforms to retain provenance
32   data of synthetic content provided to or posted on the
33   platforms; requiring social media platforms to make
34   such data available to platform users through a
35   conspicuous indicator on such content; requiring that
36   a capture device sold in this state have an option to
37   record provenance data of certain content; requiring
38   manufacturers of such capture devices to ensure
39   provenance data can be read by third-party
40   applications; providing that a violation of the act is
41   an unfair or deceptive act or practice; requiring the
42   Attorney General to enforce this section; requiring
43   the Department of Legal Affairs to notify any person
44   suspected of violating the act and allow them to cure
45   such violation within a specified timeframe before
46   initiating enforcement action; providing an effective
47   date.
48
49   Be It Enacted by the Legislature of the State of Florida:
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51   Section 1. Present subsection (4) of section 106.145,
52   Florida Statutes, is redesignated as subsection (5), a new
53   subsection (4) is added to that section, and subsection (1) and
54   paragraph (a) of present subsection (4) are amended, to read:
55   106.145 Use of artificial intelligence.—
56   (1) As used in this section, the term:
57   (a) "Generative artificial intelligence" means a machine-
58   based system that can, for a given set of human-defined

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59 objectives, emulate the structure and characteristics of input
60 data in order to generate derived synthetic content including
61 images, videos, audio, text, and other digital content.
62   (b) "Provenance data" means information identifying whether
63 some or all of the content has been derived through generative
64 artificial intelligence and, if so, the name of the generative
65 artificial intelligence tool used to generate such content and
66 the organization that developed such tool.
67   (4) Any content purporting to feature an electoral
68 candidate which can be viewed, heard, or accessed online must
69 include digital provenance data if such content was created by
70 generative artificial intelligence, as defined in s. 106.145(1).
71   (5)(4)(a) In addition to any civil penalties provided by
72 law, a person identified pursuant to another disclaimer required
73 under this chapter as paying for, sponsoring, or approving a
74 political advertisement, an electioneering communication, or an
75 other miscellaneous advertisement of a political nature which is
76 required to contain the disclaimer prescribed under subsection
77 (2) in this section and who fails to include the required
78 disclaimer commits a misdemeanor of the first degree, punishable
79 as provided in s. 775.082 or s. 775.083.
80   Section 2. Section 252.353, Florida Statutes, is created to
81 read:
82   252.353 Digital content provenance pilot program.—
83   (1) There is established within the division a digital
84 content provenance pilot program. The purpose of the pilot
85 program is to enhance the security and authenticity of digital
86 content used in emergency management operations through the
87 inclusion of provenance data.

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88   (2) For all digital images and videos created by the

89 division on or after July 1, 2025, the division shall include a

90 conspicuous indicator with an encoded link allowing a user to

91 access provenance data.

92   (3) By November 15, 2026, the division shall submit to the

93 President of the Senate and the Speaker of the House of

94 Representatives a report that includes information concerning

95 the pilot program, including whether the integration of

96 provenance data can be scaled effectively within the division's

97 digital content library and recommendations for other valuable

98 uses of provenance data and credentialing that could be

99 implemented within other agencies.

100   (4) This section is repealed June 30, 2027.

101   Section 3. Section 501.9741, Florida Statutes, is created

102 to read:

103   501.9741 Provenance data of digital content.—

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

105   (a) "Application tool" means a tool or service that enables

106 the user to apply provenance data, either directly or through

107 the use of third-party technology, to any digital content that

108 has been modified to include synthetic content.

109   (b) "Capture device" means a device that can record any

110 visual or audio digital content, including, but not limited to,

111 a camera, a cellular phone with a camera, a microphone, or an

112 audio or video recorder.

113   (c) "Generative artificial intelligence" has the same

114 meaning as in s. 106.145(1).

115   (d) "Generative artificial intelligence tool" means a

116 product or feature that uses generative artificial intelligence

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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

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117 to create visual or audio digital content.

118   (e) "Provenance data" has the same meaning as in s.

119 106.145(1).

120   (f) "Provenance reader" means a tool or service that allows

121 users to identify provenance data of visual or audio digital

122 content.

123   (g) "Synthetic content" means any visual or audio content

124 that has been produced or modified by a generative artificial

125 intelligence tool.

126   (2) The provider of a generative artificial intelligence

127 tool must apply provenance data, either directly or through the

128 use of third-party technology, to synthetic content wholly

129 generated by the provider's generative artificial intelligence

130 tool.

131   (3) The provider of a generative artificial intelligence

132 tool must make available to the public:

133   (a) An application tool that can determine whether an

134 image, a video, or audio content, or content that is any

135 combination thereof, is synthetic content.

136   (b) A free provenance reader that can view provenance

137 information for synthetic content.

138   (4) Provenance data may not include any personal

139 identifying information or any unique device, system, or service

140 information which is reasonably capable of being associated with

141 a particular user, unless directed by the user.

142   (5) A social media platform as defined in s. 501.2041 shall

143 retain all available provenance data of any suspected synthetic

144 content. Social media platforms shall make such data available

145 to platform users through a conspicuous indicator with an

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146 encoded link on such content.

147   (6) A capture device sold in this state must have an option

148 to record provenance data of any suspected synthetic content.

149 The manufacturer of a capture device sold in this state must

150 ensure that such provenance data can be read by third-party

151 applications.

152   (7) A violation of this section constitutes an unfair or

153 deceptive act or practice as described in s. 501.204. The

154 Attorney General shall enforce this section. The Department of

155 Legal Affairs shall notify the provider of the generative

156 artificial intelligence system, the manufacturer of a capture

157 device, or the social media platform of any suspected violation,

158 and allow the provider 30 calendar days to cure the alleged

159 violation before initiating enforcement action.

160   Section 4. This act shall take effect July 1, 2025.