

By Senator Taddeo

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1 A bill to be entitled
2 An act relating to violations of the Florida Election
3 Code; creating s. 104.273, F.S.; defining terms;
4 requiring a manipulated medium that contains a
5 manipulation of a candidate's likeness and is used for
6 specified purposes to include a disclaimer; specifying
7 requirements for the disclaimer; requiring the
8 Division of Elections, in consultation with the
9 Consumer Protection Division of the Office of the
10 Attorney General, to adopt certain rules; providing
11 penalties for violations; providing for enforcement
12 and relief; providing an effective date.

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14 WHEREAS, in recent years, there has been an increasing
15 trend in the manipulation of various forms of media, including
16 audio, images, and video, from their original form in an attempt
17 to misinform and mislead the public which has become known as
18 "deepfaking," and

19 WHEREAS, deepfaking has also been used to misrepresent
20 current elected officials and candidates for public office, and

21 WHEREAS, this act will help curb the detrimental impacts of
22 deepfaking on the political process by requiring clear and
23 conspicuous disclaimers to inform the public of the edited
24 nature of the medium, NOW, THEREFORE,

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

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28 Section 1. Section 104.273, Florida Statutes, is created to
29 read:

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30 104.273 Manipulation of audio, image, or video of
31 candidate; required disclaimer; penalty.-

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

33 (a) "Manipulated medium" means any audio, image, or video
34 that has been edited from its original format and is published.
35 The term does not include the editing of audio, images, or video
36 for length or clarity.

37 (b) "Manipulation of a candidate's likeness" means the use
38 of any manipulated medium with the intent to cause the viewer or
39 listener of such medium to believe that a candidate is
40 publishing a message that was not actually published by the
41 candidate.

42 (2) If any manipulated medium containing a manipulation of
43 a candidate's likeness is used for political purposes, including
44 for a campaign or for influencing legislation or other policy,
45 the person distributing or publishing the manipulated medium
46 must include a clear and conspicuous disclaimer. If the
47 manipulated medium is an image or a video, the disclaimer must
48 be displayed in text that is clearly visible to the average
49 person for the duration of the publication. If the manipulated
50 medium is in audio form, the oral disclaimer must be made in a
51 manner that is clear and intelligible to the average person and
52 announced both at the beginning and the conclusion of the audio.
53 If the manipulated medium in audio form is more than 30 seconds
54 in duration, the oral disclaimer must run at the beginning and
55 conclusion of the audio and also once every 20 seconds
56 throughout the audio's duration.

57 (3) The division, in consultation with the Consumer
58 Protection Division of the Office of the Attorney General, shall

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59 adopt rules to implement and administer this section, including
60 standards for the disclaimers required under subsection (2). At
61 a minimum, the rules must require that:

62 (a) The disclaimer be heard or read by the average person
63 who is listening to or viewing the manipulated medium; and

64 (b) The disclaimer reasonably convey to the listener or
65 viewer that the manipulated medium is doctored or manipulated,
66 is not original audio or video of the candidate, and does not
67 necessarily reflect the beliefs of the candidate.

68 (4) Any person who distributes or publishes any manipulated
69 medium for the purpose of manipulating a candidate's likeness
70 and fails to include the disclaimer prescribed in this section
71 commits a noncriminal infraction, punishable as provided in s.
72 775.083; or for a second or subsequent offense, commits a
73 misdemeanor of the first degree, punishable as provided in s.
74 775.082 or s. 775.083.

75 (5) The division or the Attorney General may issue and
76 serve upon a person who violates this section a notice to cease
77 and desist from such violation or may seek injunctive relief in
78 a court of competent jurisdiction. An aggrieved candidate or an
79 elector of this state may also seek injunctive relief in a court
80 of competent jurisdiction.

81 Section 2. This act shall take effect July 1, 2021.