

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative McFarland offered the following:

Amendment (with title amendment)

Remove lines 45-227 and insert:

6 (a) The Lieutenant Governor or his or her designee.

7 (b) The state chief information officer.

8 (c) The Secretary of Commerce or his or her designee.

9 (d) The Secretary of Health Care Administration or his or
10 her designee.

11 (e) The Commissioner of Education or his or her designee.

12 (f) The Secretary of Transportation or his or her
13 designee.

14 (g) The Executive Director of the Department of Law
15 Enforcement or his or her designee.

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16 (h) Eight representatives with senior level experience or
17 expertise in artificial intelligence, cloud computing, identity
18 management, data science, machine learning, government
19 procurement, financial technology, education technology, and
20 constitutional law, with six appointed by the Governor, one
21 appointed by the President of the Senate, and one appointed by
22 the Speaker of the House of Representatives.

23 (i) One member of the Senate, appointed by the President
24 of the Senate or his or her designee.

25 (j) One member of the House of Representatives, appointed
26 by the Speaker of the House of Representatives or his or her
27 designee.

28 (4) Members shall serve for terms of 4 years, except that
29 sitting members of the Senate and the House of Representatives
30 shall serve terms that correspond with their terms of office.
31 For the purpose of providing staggered terms, the initial
32 appointments of members made by the Governor shall be for terms
33 of 2 years. A vacancy shall be filled for the remainder of the
34 unexpired term in the same manner as the initial appointment.
35 All members of the council are eligible for reappointment.

36 (5) The Secretary of Management Services, or his or her
37 designee, shall serve as the ex officio, nonvoting executive
38 director of the council.

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39 (6) Members of the council shall serve without
40 compensation but are entitled to receive reimbursement for per
41 diem and travel expenses pursuant to s. 112.061.

42 (7) Members of the council shall maintain the confidential
43 and exempt status of information received in the performance of
44 their duties and responsibilities as members of the council. In
45 accordance with s. 112.313, a current or former member of the
46 council may not disclose or use information not available to the
47 general public and gained by reason of his or her official
48 position, except for information relating exclusively to
49 governmental practices, for his or her personal gain or benefit
50 or for the personal gain or benefit of any other person or
51 business entity. Members of the council shall sign an agreement
52 acknowledging the provisions of this subsection.

53 (8)(a) The council shall meet at least quarterly to:

54 1. Recommend legislative and administrative actions that
55 the Legislature and state agencies as defined in s. 282.318(2)
56 may take to promote the development of data modernization in
57 this state.

58 2. Assess and provide guidance on necessary legislative
59 reforms and the creation of a state code of ethics for
60 artificial intelligence systems in state government.

61 3. Assess the effect of automated decision systems or
62 identity management on constitutional and other legal rights,
63 duties, and privileges of residents of this state.

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64 4. Evaluate common standards for artificial intelligence
65 safety and security measures, including the benefits of
66 requiring disclosure of the digital provenance for all images
67 and audio created using generative artificial intelligence as a
68 means of revealing the origin and edit of the image or audio, as
69 well as the best methods for such disclosure.

70 5. Assess how governmental entities and the private sector
71 are using artificial intelligence with a focus on opportunity
72 areas for deployments in systems across this state.

73 6. Determine how artificial intelligence is being
74 exploited by bad actors, including foreign countries of concern
75 as defined in s. 287.138(1).

76 7. Evaluate the need for curriculum to prepare school-age
77 audiences with the digital media and visual literacy skills
78 needed to navigate the digital information landscape.

79 (b) At least one quarterly meeting of the council must be
80 a joint meeting with the Florida Cybersecurity Advisory Council.

81 (9) By December 31, 2024, and each December 31 thereafter,
82 the council shall submit to the Governor, the President of the
83 Senate, and the Speaker of the House of Representatives any
84 legislative recommendations considered necessary by the council
85 to modernize government technology, including:

86 (a) Recommendations for policies necessary to:

87 1. Accelerate adoption of technologies that will increase
88 productivity of state enterprise information technology systems,

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89 improve customer service levels of government, and reduce
90 administrative or operating costs.

91 2. Promote the development and deployment of artificial
92 intelligence systems, financial technology, education
93 technology, or other enterprise management software in this
94 state.

95 3. Protect Floridians from bad actors who use artificial
96 intelligence.

97 (b) Any other information the council considers relevant.

98 Section 2. Section 501.174, Florida Statutes, is created
99 to read:

100 501.174 Artificial intelligence transparency.-

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

102 (a) "Artificial intelligence" means software that is
103 developed with machine-learning, logic and knowledge-based, or
104 statistical approaches and can, for a given set of human-defined
105 objectives, generate or synthesize outputs such as content,
106 predictions, recommendations, or decisions influencing certain
107 environments.

108 (b) "Department" means the Department of Legal Affairs.

109 (2) An entity or person who offers for viewing or
110 interaction a chatbot, image, audio, or video output generated
111 by artificial intelligence for a commercial purpose to the
112 Florida public in a manner where the public would reasonably
113 believe that such output is not generated using artificial

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114 intelligence, must adopt safety and transparency standards that
115 disclose to consumers that such chatbot, image, audio, or video
116 is generated by artificial intelligence.

117 (3) An entity or person who develops a chatbot, image,
118 audio, or video generated by artificial intelligence must allow
119 such chatbot, image, audio, or video to be recognizable as
120 generated by artificial intelligence to other artificial
121 intelligence.

122 (4) If a natural person in this state is able to
123 communicate or interact with an entity or person for commercial
124 purposes through a chatbot, image, audio, or video generated by
125 artificial intelligence, such entity or person must provide a
126 clear and conspicuous statement on the entity's or person's
127 Internet homepage or landing page that such chatbot, image,
128 audio, or video is generated by artificial intelligence.

129 (5) Any state agency as defined in s. 282.318(2) which
130 uses artificial intelligence must disclose if a person is
131 interacting with artificial intelligence when interacting with
132 the agency and ensure that any confidential information
133 accessible to an artificial intelligence system remains
134 confidential.

135 (6)(a) Any violation of subsection (2) or subsection (3)
136 is an unfair and deceptive trade practice actionable under part
137 II of chapter 501 solely by the department. If the department
138 has reason to believe that a violation of this section has

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139 occurred, the department, as the enforcing authority, may bring
140 an action for an unfair or deceptive act or practice. For the
141 purpose of bringing an action pursuant to this section, ss.
142 501.211 and 501.212 do not apply.

143
144 In addition to other remedies under part II of chapter 501, the
145 department may collect a civil penalty of up to \$50,000 per
146 violation of this section.

147 (b) This section does not establish a private cause of
148 action.

149 (7) For purposes of bringing an action pursuant to this
150 section, any entity or person who produces or uses artificial
151 intelligence that is distributed to or viewable by the public in
152 this state is considered to be both engaged in substantial and
153 not isolated activities within this state and operating,
154 conducting, engaging in, or carrying on a business, and doing
155 business in this state, and is therefore subject to the
156 jurisdiction of the courts of this state.

157 (8) The department may adopt rules to implement this
158 section.

159 Section 3. Section 827.072, Florida Statutes, is created
160 to read:

161 827.072 Generated child pornography.—

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

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163 (a) "Artificial intelligence" means software that is
164 developed with machine-learning, logic and knowledge-based, or
165 statistical approaches and can, for a given set of human-defined
166 objectives, generate or synthesize outputs such as content,
167 predictions, recommendations, or decisions influencing certain
168 environments.

169 (b) "Child" or "minor" means any person younger than 18
170 years of age.

171 (c) "Generated child pornography" means any image that has
172 been created, altered, adapted, modified, generated, or
173 synthesized by electronic, mechanical, artificial intelligence,
174 or other computer-generated means to portray a fictitious minor,
175 that a person viewing the image would reasonably believe is a
176 real minor, engaged in sexual conduct.

177 (d) "Intentionally view" and the term "sexual conduct"
178 have the same meanings as in s. 827.071(1).

179 (2)(a) It is unlawful for a person to knowingly possess,
180 control, or intentionally view a photograph, a motion picture, a
181 representation, an image, a data file, a computer depiction, or
182 any other presentation which, in whole or in part, he or she
183 knows includes generated child pornography. The possession,
184 control, or intentional viewing of each such photograph, motion
185 picture, representation, image, data file, computer depiction,
186 or other presentation is a separate offense. A person who

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187 violates this paragraph commits a felony of the third degree,
188 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

189 (b) A person who intentionally creates generated child
190 pornography commits a felony of the third degree, punishable as
191 provided in s. 775.082, s. 775.083, or s. 775.084.

192 (c) Paragraph (a) does not apply to any material
193 possessed, controlled, or intentionally viewed as part of a law
194 enforcement investigation.

195 (3) In addition to the criminal penalties provided in this
196 section, any violation of paragraph (2)(b) committed in the
197 conduct of any trade or commerce is an unfair and deceptive
198 trade practice actionable under part II of chapter 501 solely by
199 the Department of Legal Affairs. If the department has reason to
200 believe that a violation of paragraph (2)(b) has occurred, the
201 department, as the enforcing authority, may bring an action for
202 an unfair or deceptive act or practice. For the purpose of
203 bringing an action pursuant to this subsection, s. 501.211 does
204 not apply. In addition to other remedies under part II of
205 chapter 501, the department may collect a civil penalty of up to
206 \$50,000 per violation of paragraph (2)(b).

207 Section 4. Section 92.561, Florida Statutes, is amended to
208 read:

209 92.561 Prohibition on reproduction of child pornography.—

210 (1) In a criminal proceeding, any property or material
211 that portrays sexual performance by a child as defined in s.

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212 827.071, constitutes generated child pornography as defined in
213 s. 827.072, or constitutes child pornography as defined in s.
214 847.001, must remain secured or locked in the care, custody, and
215 control of a law enforcement agency, the state attorney, or the
216 court.

217 (2) Notwithstanding any law or rule of court, a court
218 shall deny, in a criminal proceeding, any request by the
219 defendant to copy, photograph, duplicate, or otherwise reproduce
220 any property or material that portrays sexual performance by a
221 child, constitutes generated child pornography, or constitutes
222 child pornography so long as the state attorney makes the
223 property or material reasonably available to the defendant.

224 (3) For purposes of this section, property or material is
225 deemed to be reasonably available to the defendant if the state
226 attorney provides ample opportunity at a designated facility for
227 the inspection, viewing, and examination of the property or
228 material that portrays sexual performance by a child,
229 constitutes generated child pornography, or constitutes child
230 pornography by the defendant, his or her attorney, or any
231 individual whom the defendant uses as an expert during the
232 discovery process or at a court proceeding.

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T I T L E A M E N D M E N T

236

Remove lines 11-26 and insert:

532519 - h1459-line 45 (updated).docx

Published On: 2/20/2024 6:26:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1459 (2024)

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237 safety and transparency standards for chatbots, images, audio,
238 and video generated by artificial intelligence; requiring
239 certain entities and persons to provide certain statements;
240 requiring certain state agencies to provide certain disclosures;
241 authorizing the Department of Legal Affairs to bring an action
242 for violations under the Florida Deceptive and Unfair Trade
243 Practices Act; providing civil penalties; providing that the act
244 does not establish private causes of action; providing that
245 certain entities and persons are subject to the jurisdiction of
246 state courts; authorizing the department to adopt rules;
247 creating s. 827.072, F.S.; providing definitions; prohibiting a
248 person from knowingly possessing, controlling, or intentionally
249 viewing generated child pornography; prohibiting a person from
250 intentionally creating generated child pornography; providing
251 criminal penalties; providing applicability; authorizing the
252 Department of Legal Affairs to bring an action for specified
253 violations under the Florida Deceptive and Unfair Trade
254 Practices Act; providing civil penalties; amending s. 92.561,
255 F.S.; prohibiting the reproduction of generated child
256 pornography; providing an effective date.

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