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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 generated by
111 artificial intelligence for a commercial purpose to the Florida
112 public in a manner where the public would reasonably believe
113 that such chatbot, image, audio, or video is not generated using

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114 artificial intelligence, must adopt safety and transparency
115 standards that:

116 (a) Disclose to consumers that such chatbot, image, audio,
117 or video is generated by artificial intelligence.

118 (b) Allow such chatbot, image, audio, or video to be
119 recognizable as generated by artificial intelligence to other
120 artificial intelligence.

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

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

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

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139 an action for an unfair or deceptive act or practice. For the
140 purpose of bringing an action pursuant to this section, ss.
141 501.211 and 501.212 do not apply.

142
143 In addition to other remedies under part II of chapter 501, the
144 department may collect a civil penalty of up to \$50,000 per
145 violation of this section.

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

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

156 (7) The department may adopt rules to implement this
157 section.

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

160 827.072 Generated child pornography.—

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

162 (a) "Artificial intelligence" means software that is
163 developed with machine-learning, logic and knowledge-based, or

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164 statistical approaches and can, for a given set of human-defined
165 objectives, generate or synthesize outputs such as content,
166 predictions, recommendations, or decisions influencing certain
167 environments.

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

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

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

178 (2)(a) It is unlawful for a person to knowingly possess,
179 control, or intentionally view a photograph, a motion picture, a
180 representation, an image, a data file, a computer depiction, or
181 any other presentation which, in whole or in part, he or she
182 knows includes generated child pornography. The possession,
183 control, or intentional viewing of each such photograph, motion
184 picture, representation, image, data file, computer depiction,
185 or other presentation is a separate offense. A person who
186 violates this paragraph commits a felony of the third degree,
187 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

208 92.561 Prohibition on reproduction of child pornography.—

209 (1) In a criminal proceeding, any property or material
210 that portrays sexual performance by a child as defined in s.
211 827.071, constitutes generated child pornography as defined in
212 s. 827.072, or constitutes child pornography as defined in s.

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213 847.001, must remain secured or locked in the care, custody, and
214 control of a law enforcement agency, the state attorney, or the
215 court.

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

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

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Remove lines 11-26 and insert:

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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