

1 A bill to be entitled
2 An act relating to artificial intelligence
3 transparency; creating s. 282.802, F.S.; creating the
4 Government Technology Modernization Council within the
5 Department of Management Services for a specified
6 purpose; providing for council membership, meetings,
7 and duties; requiring the council to submit specified
8 recommendations to the Legislature and specified
9 reports to the Governor and the Legislature by
10 specified dates; creating s. 501.174, F.S.; providing
11 definitions; requiring certain entities and persons to
12 create safety and transparency standards for content,
13 images, and videos generated by artificial
14 intelligence; requiring disclosures for certain
15 communications, interactions, images, likenesses, and
16 content; providing that certain political
17 advertisements are subject to specified requirements
18 and enforcement; prohibiting entities and persons from
19 depicting a natural person's image or likeness in
20 certain artificial intelligence without the natural
21 person's consent; prohibiting the use of artificial
22 intelligence in the creation of obscene material under
23 certain conditions; providing applicability; requiring
24 certain state agencies to provide certain disclosures;
25 authorizing the Department of Legal Affairs to bring

26 an action for violations under the Florida Deceptive
 27 and Unfair Trade Practices Act; providing civil
 28 penalties; providing that the act does not establish
 29 private causes of action; providing that certain
 30 entities and persons are subject to the jurisdiction
 31 of state courts; authorizing the department to adopt
 32 rules; providing an effective date.

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

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36 Section 1. Section 282.802, Florida Statutes, is created
 37 to read:

38 282.802 Government Technology Modernization Council.—

39 (1) The Government Technology Modernization Council, an
 40 advisory council as defined in s. 20.03(7), is created within
 41 the department. Except as otherwise provided in this section,
 42 the advisory council shall operate in a manner consistent with
 43 s. 20.052.

44 (2) The purpose of the council is to study and monitor the
 45 development and deployment of artificial intelligence systems
 46 and provide reports on such systems to the Governor and the
 47 Legislature.

48 (3) The council shall be comprised of the following
 49 members:

50 (a) The Lieutenant Governor.

51 (b) The state chief information officer.

52 (c) The State Surgeon General.

53 (d) The Secretary of Health Care Administration.

54 (e) A representative of the computer crime center of the
55 Department of Law Enforcement, appointed by the executive
56 director of the Department of Law Enforcement.

57 (f) The Chief Inspector General.

58 (g) Thirteen representatives of institutions of higher
59 education located in this state or the private sector with
60 senior level experience or expertise in artificial intelligence,
61 cloud computing, identity management, data science, machine
62 learning, government procurement, and constitutional law, with
63 seven appointed by the Governor, three appointed by the
64 President of the Senate, and three appointed by the Speaker of
65 the House of Representatives.

66 (h) One member of the Senate, appointed by the President
67 of the Senate or his or her designee.

68 (i) One member of the House of Representatives, appointed
69 by the Speaker of the House of Representatives or his or her
70 designee.

71 (4) Members shall serve for terms of 4 years, except that
72 sitting members of the Senate and the House of Representatives
73 shall serve terms that correspond with their terms of office.
74 For the purpose of providing staggered terms, the initial
75 appointments of members made by the Governor shall be for terms

76 of 2 years. A vacancy shall be filled for the remainder of the
77 unexpired term in the same manner as the initial appointment.
78 All members of the council are eligible for reappointment.

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

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

85 (7) Members of the council shall maintain the confidential
86 and exempt status of information received in the performance of
87 their duties and responsibilities as members of the council. In
88 accordance with s. 112.313, a current or former member of the
89 council may not disclose or use information not available to the
90 general public and gained by reason of his or her official
91 position, except for information relating exclusively to
92 governmental practices, for his or her personal gain or benefit
93 or for the personal gain or benefit of any other person or
94 business entity. Members of the council shall sign an agreement
95 acknowledging the provisions of this subsection.

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

97 (a) Assess and provide guidance on necessary legislative
98 reforms and the creation of a state code of ethics for
99 artificial intelligence systems in state government.

100 (b) Assess the effect of automated decision systems on

101 constitutional and other legal rights, duties, and privileges of
102 residents of this state.

103 (c) Study the potential benefits, liabilities, and risks
104 that this state, residents of this state, and businesses may
105 incur as a result of implementing automated decision systems.

106 (d) Recommend legislative and administrative actions that
107 the Legislature and state agencies as defined in s. 282.318(2)
108 may take to promote the development of data modernization in
109 this state.

110 (e) Assess where artificial intelligence is deployed
111 today.

112 (f) Evaluate common standards for artificial intelligence
113 safety and security measures.

114 (g) Assess how governmental entities and the private
115 sector are using artificial intelligence with a focus on
116 opportunity areas for deployments in systems across this state.

117 (h) Determine how artificial intelligence is being
118 exploited by bad actors, including foreign countries of concern
119 as defined in s. 287.138(1).

120 (9) By June 30, 2024, and each June 30 thereafter, the
121 council shall submit to the President of the Senate and the
122 Speaker of the House of Representatives any legislative
123 recommendations considered necessary by the council to modernize
124 government technology.

125 (10) By December 1, 2024, and each December 1 thereafter,

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126 the council shall submit to the Governor, the President of the
127 Senate, and the Speaker of the House of Representatives a
128 comprehensive report that includes data, trends, analysis,
129 findings, and recommendations for state and local action
130 regarding ransomware incidents. At a minimum, the report must
131 include:

132 (a) A summary of recommendations by relevant national
133 entities on technology systems in state government, including,
134 but not limited to, artificial intelligence, cloud computing,
135 identity management, and financial technology.

136 (b) An assessment of the impact of using artificial
137 intelligence systems on the liberty, finances, livelihood, and
138 privacy interests of residents of this state.

139 (c) Recommended policies necessary to:

140 1. Protect the privacy interests of residents of this
141 state from any decrease in employment caused by artificial
142 intelligence systems.

143 2. Ensure that residents of this state are free from
144 unfair discrimination caused or compounded by the employment of
145 artificial intelligence systems.

146 3. Promote the development and deployment of artificial
147 intelligence systems in this state.

148 (d) Any other information the council considers relevant.

149 Section 2. Section 501.174, Florida Statutes, is created
150 to read:

151 501.174 Artificial intelligence transparency.-

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

153 (a) "Artificial intelligence" means software that is
154 developed with machine-learning, logic and knowledge-based, or
155 statistical approaches and can, for a given set of human-defined
156 objectives, generate outputs such as content, predictions,
157 recommendations, or decisions influencing certain environments.

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

159 (2) A for-profit entity or a person who produces or uses
160 artificial intelligence and makes such artificial intelligence
161 content available to the Florida public must create safety and
162 transparency standards, including, but not limited to, the use
163 of watermarks, to make it clear and conspicuous to consumers
164 when content is generated by artificial intelligence and to make
165 images or videos generated by artificial intelligence
166 recognizable as such to other artificial intelligence.

167 (3) An entity or a person who uses artificial intelligence
168 must provide a clear and conspicuous statement:

169 (a) When a person in this state is communicating or
170 interacting with the entity or person through an artificial
171 intelligence mechanism.

172 (b) If a political advertisement uses an image, a
173 likeness, or content that has been generated by artificial
174 intelligence and synthetically or digitally manipulated to
175 convincingly portray a person as another person or as doing or

176 saying something that was not actually done or said. Any such
177 advertisement is subject to requirements and enforcement actions
178 set forth by the Florida Elections Commission.

179 (4) An entity or a person may not depict a natural
180 person's image or likeness in any artificial intelligence
181 software, hardware, output, or content that is distributed to or
182 viewable by the public without the natural person's consent.

183 (5) Artificial intelligence may not be used in the
184 creation of obscene material if:

185 (a) The image or information of a minor is used.

186 (b) The biometric information of an identifiable minor is
187 used.

188 (c) It is created by a person who must register as a
189 sexual predator under s. 775.21(6).

190 (6) This section does not apply to:

191 (a) Use of an image or likeness for artificial
192 intelligence training purposes as long as the image or likeness
193 is not distributed to or viewable by the public.

194 (b) A person who doesn't have a legal expectation of
195 privacy as long as disclosure is provided pursuant to subsection
196 (3).

197 (7) Any state agency as defined in s. 282.318(2) that uses
198 artificial intelligence must disclose if a person is interacting
199 with artificial intelligence when interacting with the agency
200 and ensure that any confidential information accessible to an

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201 artificial intelligence system remains confidential.

202 (8)(a) Any violation of subsection (2), subsection (3),
203 subsection (4), or subsection (5) is an unfair and deceptive
204 trade practice actionable under part II of chapter 501 solely by
205 the department. If the department has reason to believe that a
206 violation of this section has occurred, the department, as the
207 enforcing authority, may bring an action for an unfair or
208 deceptive act or practice. For the purpose of bringing an action
209 pursuant to this section, ss. 501.211 and 501.212 do not apply.
210 In addition to other remedies under part II of chapter 501, the
211 department may collect a civil penalty of up to \$50,000 per
212 violation of this section.

213 (b) This section does not establish a private cause of
214 action.

215 (9) For purposes of bringing an action pursuant to this
216 section, any entity or person who produces or uses artificial
217 intelligence that is distributed to or viewable by the public in
218 this state is considered to be both engaged in substantial and
219 not isolated activities within this state and operating,
220 conducting, engaging in, or carrying on a business, and doing
221 business in this state, and is therefore subject to the
222 jurisdiction of the courts of this state.

223 (10) The department may adopt rules to implement this
224 section.

225 Section 3. This act shall take effect July 1, 2024.