

26 | amending ss. 775.0847 and 827.071, F.S.; revising the
 27 | definition of the term "child pornography"; providing
 28 | an effective date.

30 | Be It Enacted by the Legislature of the State of Florida:

32 | Section 1. Section 282.802, Florida Statutes, is created
 33 | to read:

34 | 282.802 Government Technology Modernization Council.—

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

40 | (2) The purpose of the council is to study and monitor the
 41 | development and deployment of artificial intelligence systems
 42 | and provide reports on such systems to the Governor and the
 43 | Legislature.

44 | (3) The council shall be comprised of the following
 45 | members:

46 | (a) The Lieutenant Governor.

47 | (b) The state chief information officer.

48 | (c) The State Surgeon General.

49 | (d) The Secretary of Health Care Administration.

50 | (e) A representative of the computer crime center of the

51 Department of Law Enforcement, appointed by the executive
 52 director of the Department of Law Enforcement.

53 (f) The Chief Inspector General.

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

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

64 (i) One member of the House of Representatives, appointed
 65 by the Speaker of the House of Representatives or his or her
 66 designee.

67 (4) Members shall serve for terms of 4 years, except that
 68 sitting members of the Senate and the House of Representatives
 69 shall serve terms that correspond with their terms of office.
 70 For the purpose of providing staggered terms, the initial
 71 appointments of members made by the Governor shall be for terms
 72 of 2 years. A vacancy shall be filled for the remainder of the
 73 unexpired term in the same manner as the initial appointment.
 74 All members of the council are eligible for reappointment.

75 (5) The Secretary of Management Services, or his or her

76 designee, shall serve as the ex officio, nonvoting executive
 77 director of the council.

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

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

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

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

96 (b) Assess the effect of automated decision systems on
 97 constitutional and other legal rights, duties, and privileges of
 98 residents of this state.

99 (c) Study the potential benefits, liabilities, and risks
 100 that this state, residents of this state, and businesses may

101 incur as a result of implementing automated decision systems.

102 (d) Recommend legislative and administrative actions that
 103 the Legislature and state agencies as defined in s. 282.318(2)
 104 may take to promote the development of data modernization in
 105 this state.

106 (e) Assess where artificial intelligence is deployed
 107 today.

108 (f) Evaluate common standards for artificial intelligence
 109 safety and security measures.

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

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

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

121 (10) By December 1, 2024, and each December 1 thereafter,
 122 the council shall submit to the Governor, the President of the
 123 Senate, and the Speaker of the House of Representatives a
 124 comprehensive report that includes data, trends, analysis,
 125 findings, and recommendations for state and local action

126 regarding ransomware incidents. At a minimum, the report must
 127 include:

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

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

135 (c) Recommended policies necessary to:

136 1. Protect the privacy interests of residents of this
 137 state from any decrease in employment caused by artificial
 138 intelligence systems.

139 2. Ensure that residents of this state are free from
 140 unfair discrimination caused or compounded by the employment of
 141 artificial intelligence systems.

142 3. Promote the development and deployment of artificial
 143 intelligence systems in this state.

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

145 Section 2. Section 501.174, Florida Statutes, is created
 146 to read:

147 501.174 Artificial intelligence transparency.—

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

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

151 statistical approaches and can, for a given set of human-defined
 152 objectives, generate or synthesize outputs such as content,
 153 predictions, recommendations, or decisions influencing certain
 154 environments.

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

156 (2) An entity or person who produces or offers for use or
 157 interaction artificial intelligence content or technology for a
 158 commercial purpose, and makes such content or technology
 159 available to the Florida public, must create safety and
 160 transparency standards that:

161 (a) Alert consumers that such content or technology is
 162 generated by artificial intelligence.

163 (b) Allow such content or technology to be recognizable as
 164 generated by artificial intelligence to other artificial
 165 intelligence.

166 (3) If a natural person in this state is able to
 167 communicate or interact with an entity or person for commercial
 168 purposes through an artificial intelligence mechanism, such
 169 entity or person must provide a clear and conspicuous statement
 170 on the entity's or person's Internet homepage or landing page
 171 that such mechanism is generated by artificial intelligence.

172 (4) An entity or person may not knowingly produce,
 173 generate, incorporate, or synthesize through artificial
 174 intelligence child pornography as defined in s. 775.0847(1).

175 (5) Any state agency as defined in s. 282.318(2) which

176 uses artificial intelligence must disclose if a person is
177 interacting with artificial intelligence when interacting with
178 the agency and ensure that any confidential information
179 accessible to an artificial intelligence system remains
180 confidential.

181 (6) (a) Any violation of subsection (2), subsection (3), or
182 subsection (4) is an unfair and deceptive trade practice
183 actionable under part II of chapter 501 solely by the
184 department. If the department has reason to believe that a
185 violation of this section has occurred, the department, as the
186 enforcing authority, may bring an action for an unfair or
187 deceptive act or practice. For the purpose of bringing an action
188 pursuant to this section, ss. 501.211 and 501.212 do not apply.
189 In addition to other remedies under part II of chapter 501, the
190 department may collect a civil penalty of up to \$50,000 per
191 violation of this section.

192 (b) This section does not establish a private cause of
193 action.

194 (7) For purposes of bringing an action pursuant to this
195 section, any entity or person who produces or uses artificial
196 intelligence that is distributed to or viewable by the public in
197 this state is considered to be both engaged in substantial and
198 not isolated activities within this state and operating,
199 conducting, engaging in, or carrying on a business, and doing
200 business in this state, and is therefore subject to the

201 jurisdiction of the courts of this state.

202 (8) The department may adopt rules to implement this
 203 section.

204 Section 3. Paragraph (b) of subsection (1) of section
 205 775.0847, Florida Statutes, is amended to read:

206 775.0847 Possession or promotion of certain images of
 207 child pornography; reclassification.—

208 (1) For purposes of this section:

209 (b) "Child pornography" means:

210 1. Any image depicting a minor engaged in sexual conduct;
 211 ~~or~~

212 2. Any image that has been created, altered, adapted, or
 213 modified by electronic, mechanical, or other means, ~~7~~ to portray
 214 an identifiable minor engaged in sexual conduct; or

215 3. Any image or presentation produced, generated,
 216 incorporated, or synthesized through artificial intelligence as
 217 defined in s. 501.174 which uses an image of an identifiable
 218 minor to depict or portray a minor engaged in sexual conduct.

219
 220 For purposes of sentencing under chapter 921 and determining
 221 incentive gain-time eligibility under chapter 944, a felony
 222 offense that is reclassified under this section is ranked one
 223 level above the ranking under s. 921.0022 or s. 921.0023 of the
 224 offense committed.

225 Section 4. Paragraph (b) of subsection (1) of section

226 | 827.071, Florida Statutes, is amended to read:

227 | 827.071 Sexual performance by a child; child pornography;
228 | penalties.—

229 | (1) As used in this section, the following definitions
230 | shall apply:

231 | (b) "Child pornography" means:

232 | 1. Any image depicting a minor engaged in sexual conduct;
233 | ~~or~~

234 | 2. Any image that has been created, altered, adapted, or
235 | modified by electronic, mechanical, or other means, ~~to~~ to portray
236 | an identifiable minor engaged in sexual conduct; or

237 | 3. Any image or presentation produced, generated,
238 | incorporated, or synthesized through artificial intelligence as
239 | defined in s. 501.174 which uses an image of an identifiable
240 | minor to depict or portray a minor engaged in sexual conduct.

241 | Section 5. This act shall take effect July 1, 2024.