1   A bill to be entitled
2   An act relating to advanced technology; creating s.
3   282.802, F.S.; creating the Government Technology
4   Modernization Council within the Department of
5   Management Services for a specified purpose; providing
6   for council membership, meetings, and duties;
7   requiring the council to submit specified reports to
8   the Governor and Legislature by specified dates;
9   creating s. 501.174, F.S.; providing definitions;
10   requiring certain entities and persons to create
11   safety and transparency standards for artificial
12   intelligence content or technology; requiring certain
13   entities and persons to provide certain statements;
14   prohibiting a person or entity from producing child
15   pornography through artificial intelligence; requiring
16   certain state agencies to provide certain disclosures;
17   authorizing the Department of Legal Affairs to bring
18   an action for violations under the Florida Deceptive
19   and Unfair Trade Practices Act; providing civil
20   penalties; providing that the act does not establish
21   private causes of action; providing that certain
22   entities and persons are subject to the jurisdiction
23   of state courts; authorizing the department to adopt
24   rules; amending ss. 775.0847 and 827.071, F.S.;
25   revising the definition of the term "child

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26   pornography"; providing an effective date.

27

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

29

30   Section 1. Section 282.802, Florida Statutes, is created

31 to read:

32   282.802 Government Technology Modernization Council.—

33   (1) The Government Technology Modernization Council, an

34 advisory council as defined in s. 20.03(7), is created within

35 the department. Except as otherwise provided in this section,

36 the advisory council shall operate in a manner consistent with

37 s. 20.052.

38   (2) The purpose of the council is to study and monitor the

39 development and deployment of new technologies and provide

40 reports on recommendations for procurement and regulation of

41 such systems to the Governor, the President of the Senate, and

42 the Speaker of the House of Representatives.

43   (3) The council shall be comprised of the following

44 members:

45   (a) The Lieutenant Governor.

46   (b) The state chief information officer.

47   (c) The Secretary of Commerce.

48   (d) The Secretary of Health Care Administration.

49   (e) The Commissioner of Education.

50   (f) Seven representatives with senior level experience or

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51 expertise in artificial intelligence, cloud computing, identity
52 management, data science, machine learning, government
53 procurement, financial technology, education technology, and
54 constitutional law, with five appointed by the Governor, one
55 appointed by the President of the Senate, and one appointed by
56 the Speaker of the House of Representatives.
57   (g) One member of the Senate, appointed by the President
58 of the Senate or his or her designee.
59   (h) One member of the House of Representatives, appointed
60 by the Speaker of the House of Representatives or his or her
61 designee.
62   (4) Members shall serve for terms of 4 years, except that
63 sitting members of the Senate and the House of Representatives
64 shall serve terms that correspond with their terms of office.
65 For the purpose of providing staggered terms, the initial
66 appointments of members made by the Governor shall be for terms
67 of 2 years. A vacancy shall be filled for the remainder of the
68 unexpired term in the same manner as the initial appointment.
69 All members of the council are eligible for reappointment.
70   (5) The Secretary of Management Services, or his or her
71 designee, shall serve as the ex officio, nonvoting executive
72 director of the council.
73   (6) Members of the council shall serve without
74 compensation but are entitled to receive reimbursement for per
75 diem and travel expenses pursuant to s. 112.061.

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76   (7) Members of the council shall maintain the confidential
77   and exempt status of information received in the performance of
78   their duties and responsibilities as members of the council. In
79   accordance with s. 112.313, a current or former member of the
80   council may not disclose or use information not available to the
81   general public and gained by reason of his or her official
82   position, except for information relating exclusively to
83   governmental practices, for his or her personal gain or benefit
84   or for the personal gain or benefit of any other person or
85   business entity. Members of the council shall sign an agreement
86   acknowledging the provisions of this subsection.
87   (8)(a) The council shall meet at least quarterly to:
88   1. Recommend legislative and administrative actions that
89   the Legislature and state agencies as defined in s. 282.318(2)
90   may take to promote the development of data modernization in
91   this state.
92   2. Assess and provide guidance on necessary legislative
93   reforms and the creation of a state code of ethics for
94   artificial intelligence systems in state government.
95   3. Assess the effect of automated decision systems or
96   identity management on constitutional and other legal rights,
97   duties, and privileges of residents of this state.
98   4. Evaluate common standards for artificial intelligence
99   safety and security measures, including the benefits of
100   requiring disclosure of the digital provenance for all images

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101 and audio created using generative artificial intelligence as a
102 means of revealing the origin and edit of the image or audio, as
103 well as the best methods for such disclosure.
104   5. Assess how governmental entities and the private sector
105 are using artificial intelligence with a focus on opportunity
106 areas for deployments in systems across this state.
107   6. Determine how artificial intelligence is being
108 exploited by bad actors, including foreign countries of concern
109 as defined in s. 287.138(1).
110   7. Evaluate the need for curriculum to prepare school-age
111 audiences with the digital media and visual literacy skills
112 needed to navigate the digital information landscape.
113   (b) At least one quarterly meeting of the council must be
114 a joint meeting with the Florida Cybersecurity Advisory Council.
115   (9) By June 30, 2024, and each June 30 thereafter, the
116 council shall submit to the Governor, the President of the
117 Senate, and the Speaker of the House of Representatives any
118 legislative recommendations considered necessary by the council
119 to modernize government technology, including:
120   (a) Recommendations for policies necessary to:
121   1. Accelerate adoption of technologies that will increase
122 productivity of state enterprise information technology systems,
123 improve customer service levels of government, and reduce
124 administrative or operating costs.
125   2. Promote the development and deployment of artificial

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126 intelligence systems, financial technology, education

127 technology, or other enterprise management software in this

128 state.

129   3. Protect Floridians from bad actors who use artificial

130 intelligence.

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

132   Section 2. Section 501.174, Florida Statutes, is created

133 to read:

134   501.174 Artificial intelligence transparency.—

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

136   (a) "Artificial intelligence" means software that is

137 developed with machine-learning, logic and knowledge-based, or

138 statistical approaches and can, for a given set of human-defined

139 objectives, generate or synthesize outputs such as content,

140 predictions, recommendations, or decisions influencing certain

141 environments.

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

143   (2) An entity or person who produces or offers for use or

144 interaction artificial intelligence content or technology for a

145 commercial purpose, and makes such content or technology

146 available to the Florida public, must create safety and

147 transparency standards that:

148   (a) Alert consumers that such content or technology is

149 generated by artificial intelligence.

150   (b) Allow such content or technology to be recognizable as

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151 generated by artificial intelligence to other artificial

152 intelligence.

153   (3) If a natural person in this state is able to

154 communicate or interact with an entity or person for commercial

155 purposes through an artificial intelligence mechanism, such

156 entity or person must provide a clear and conspicuous statement

157 on the entity's or person's Internet homepage or landing page

158 that such mechanism is generated by artificial intelligence.

159   (4) An entity or person may not knowingly produce,

160 generate, incorporate, or synthesize through artificial

161 intelligence child pornography as defined in s. 775.0847(1).

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

163 uses artificial intelligence must disclose if a person is

164 interacting with artificial intelligence when interacting with

165 the agency and ensure that any confidential information

166 accessible to an artificial intelligence system remains

167 confidential.

168   (6)(a) Any violation of subsection (2), subsection (3), or

169 subsection (4) is an unfair and deceptive trade practice

170 actionable under part II of chapter 501 solely by the

171 department. If the department has reason to believe that a

172 violation of this section has occurred, the department, as the

173 enforcing authority, may bring an action for an unfair or

174 deceptive act or practice. For the purpose of bringing an action

175 pursuant to this section, ss. 501.211 and 501.212 do not apply.

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176 In addition to other remedies under part II of chapter 501, the
177 department may collect a civil penalty of up to $50,000 per
178 violation of this section.
179   (b) This section does not establish a private cause of
180 action.
181   (7) For purposes of bringing an action pursuant to this
182 section, any entity or person who produces or uses artificial
183 intelligence that is distributed to or viewable by the public in
184 this state is considered to be both engaged in substantial and
185 not isolated activities within this state and operating,
186 conducting, engaging in, or carrying on a business, and doing
187 business in this state, and is therefore subject to the
188 jurisdiction of the courts of this state.
189   (8) The department may adopt rules to implement this
190 section.
191   Section 3. Paragraph (b) of subsection (1) of section
192 775.0847, Florida Statutes, is amended to read:
193   775.0847 Possession or promotion of certain images of
194 child pornography; reclassification.—
195   (1) For purposes of this section:
196   (b) "Child pornography" means:
197   1. Any image depicting a minor engaged in sexual conduct;
198 ~~or~~
199   2. Any image that has been created, altered, adapted, or
200 modified by electronic, mechanical, or other means~~,~~ to portray

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201 an identifiable minor engaged in sexual conduct; or
202   3. Any image or presentation produced, generated,
203 incorporated, or synthesized through artificial intelligence as
204 defined in s. 501.174 which uses an image of an identifiable
205 minor to depict or portray a minor engaged in sexual conduct.
206
207 For purposes of sentencing under chapter 921 and determining
208 incentive gain-time eligibility under chapter 944, a felony
209 offense that is reclassified under this section is ranked one
210 level above the ranking under s. 921.0022 or s. 921.0023 of the
211 offense committed.
212   Section 4. Paragraph (b) of subsection (1) of section
213 827.071, Florida Statutes, is amended to read:
214   827.071 Sexual performance by a child; child pornography;
215 penalties.—
216   (1) As used in this section, the following definitions
217 shall apply:
218   (b) "Child pornography" means:
219   1. Any image depicting a minor engaged in sexual conduct;
220 or
221   2. Any image that has been created, altered, adapted, or
222 modified by electronic, mechanical, or other means, to portray
223 an identifiable minor engaged in sexual conduct; or
224   3. Any image or presentation produced, generated,
225 incorporated, or synthesized through artificial intelligence as

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226 defined in s. 501.174 which uses an image of an identifiable
227 minor to depict or portray a minor engaged in sexual conduct.
228   Section 5. This act shall take effect July 1, 2024.

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