Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 1680

INTRODUCER: Rules Committee; Judiciary Committee; and Senator Bradley

SUBJECT: Advanced Technology

DATE: February 14, 2024   REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE		ACTION
1.	Collazo	Cibula	JU	**Fav/CS**	
2.	Collazo	Twogood	RC	**Fav/CS**	

> ### Please see Section IX. for Additional Information:
>
> COMMITTEE SUBSTITUTE - Substantial Changes

I.   Summary:

CS/CS/SB 1680 establishes the Government Technology Modernization Council, an advisory council within the Department of Management Services, to generally advise the Legislature on new technologies, artificial intelligence, and related issues. It also creates s. 827.072, F.S., entitled "Generated child pornography," which makes it a crime to knowingly possess, control, intentionally view, or create generated child pornography.

The general purpose of the advisory council is to study and monitor the development and deployment of new technologies and provide reports on recommendations for the procurement and regulation of such systems to the Governor and the Legislature. Accordingly, the bill requires council members to meet at least quarterly and to perform several duties, including the preparation and submittal of an annual report to the Governor and Legislature addressing the modernization of government technology. The bill also provides for the composition of the advisory council and regulates other aspects of service on the council.

The new criminal statute defines the terms "generated child pornography," "intentionally view," and "sexual conduct," and makes it a crime to knowingly possess, control, intentionally view, or create generated child pornography. Each instance of possession, control, or intentional viewing constitutes a separate offense. Anyone convicted of violating the statute is subject to up to five years in prison and a $5,000 fine, as well as enhanced penalties under habitual offender statute.

The bill takes effect on July 1, 2024.

II.　　Present Situation:

Artificial Intelligence

Generally

Artificial intelligence (AI) is the development of computer systems to perform tasks that normally require human intelligence, such as learning and decision-making.[1] It enables computer systems to receive information that is either provided to them by others or gathered by them (*e.g.* through camera lenses or other sensors), which they can then process and respond to in some meaningful way. To a certain extent, AI systems are capable of adapting their behavior by analyzing the effects of previous actions and working autonomously.[2]

Investments in AI have led to many of the transformative advancements that U.S. consumers rely upon every day,[3] including mapping technologies, voice-assisted smartphones, handwriting recognition for mail delivery, financial trading, smart logistics, spam filtering, and language translation. AI advances have also provided significant social benefits in areas such as precision medicine, environmental sustainability, education, and public welfare.[4]

Types of AI

AI may be generally classified in one of three classes based on its capabilities or its functionalities:[5]
- *Artificial Narrow AI.* Also known as Weak AI, Artificial Narrow AI is the only type of AI that exists today. All other forms of AI are theoretical. Machines using Weak AI can only perform specific tasks using human-like capabilities. They can do nothing more than what they are programmed to do. Examples of Artificial Narrow AI include Siri, Alexa, and ChatGPT.[6]
- *General AI.* Also known as Strong AI, General AI is only a theoretical concept. Any machine or application using Strong AI in the future would be able to use what they have learned in the past to accomplish new tasks in different contexts without the need for additional training by human beings. In other words, they would be able to learn, perceive, understand, and function completely like a human beings.[7]
- *Super AI.* Also known as artificial superintelligence, Super AI is strictly theoretical. If ever realized, machines using Super AI would think, reason, learn, make judgments, and possess cognitive abilities surpassing those of human beings. Machines possessing Super AI capabilities would have evolved beyond the point of understanding human sentiments and

---

[1] National Conference of State Legislatures (NCSL), *Artificial Intelligence 2023 Legislation,* Jan. 12, 2024, https://www.ncsl.org/technology-and-communication/artificial-intelligence-2023-legislation.

[2] European Parliament, *What is artificial intelligence and how is it used?,* E.U. News, Jun. 20, 2023, https://www.europarl.europa.eu/news/en/headlines/society/20200827STO85804/what-is-artificial-intelligence-and-how-is-it-used.

[3] U.S. Department of State, *Artificial Intelligence (AI),* https://www.state.gov/artificial-intelligence/ (last visited Jan. 20, 2024).

[4] *Id.*

[5] IBM, *Understanding the different types of artificial intelligence,* Oct. 12, 2023, https://www.ibm.com/blog/understanding-the-different-types-of-artificial-intelligence/; Naveen Joshi, *7 Types of Artificial Intelligence,* Jun. 19, 2019, Forbes, https://www.forbes.com/sites/cognitiveworld/2019/06/19/7-types-of-artificial-intelligence/?sh=7b5ddf4d233e.

[6] *Id.*

[7] *Id.*

experiences to feeling emotions, having needs, and possessing beliefs and desires of their own.[8]

Under the umbrella of Artificial Narrow AI or Weak AI, there are four kinds of AI based upon functionalities:[9]

- *Reactive Machine AI.* Reactive machines are AI systems with no memory. They are designed to perform very specific tasks. They can only work with presently available data because they cannot recollect previous outcomes or decisions. Reactive Machine AI stems from statistical math and can analyze vast amounts of data to produce a seemingly intelligent output. Examples of machines and applications that rely upon Reactive Machine AI include IBM Deep Blue (IBM's chess-playing supercomputer) and the Netflix recommendation engine.[10]
- *Limited Memory AI.* In addition to having the capabilities of purely reactive machines, Limited Memory AI machines and applications are also capable of learning from historical data to make decisions. Almost all present-day Limited Memory AI applications, including Generative AI tools (*e.g.* chatbots and virtual assistants) and self-driving vehicles, are Limited Memory AI machines and applications.[11]
- *Theory of Mind AI.* Theory of Mind AI is a kind of General AI that exists in concept only at this time. It is the "next level" of AI systems that researchers are currently developing. Machines and applications using a Theory of Mind level AI will be able to understand the thoughts and emotions of other entities. In theory, this will allow them to simulate human-like relationships and to contextualize artwork and essays, which today's Generative AI tools are unable to do.[12]
- *Self-Aware AI.* Self-Aware AI is a kind of Super AI that exists in concept only at this time. It is strictly theoretical. If ever achieved, it will have the ability to understand its own internal conditions and traits along with human emotions and thoughts. It will also have its own set of emotions, needs, and beliefs.[13]

Generative AI

Generative AI is a type of Limited Memory AI technology[14] that can produce high-quality content, including text, images, audio, or video, within seconds when prompted by a user.[15] Although it was first introduced in the 1960s, it was not until 2014, with the introduction of

[8] *Id.*
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] *Id.* Emotion AI is a kind of Theory of Mind AI that is currently under development. Researchers hope that it will one day have the ability to analyze voices, images, and other kinds of data to recognize, simulate, monitor, and respond appropriately to humans on an emotional level. To date, Emotion AI is unable to understand and respond to human feelings. *Id.*
[13] *Id.*
[14] George Lawton, *What is generative AI? Everything you need to know,* TechTarget, Jan. 2024, https://www.techtarget.com/searchenterpriseai/definition/generative-AI.
[15] Government Accountability Office (GAO), Science, Technology Assessment, and Analytics, *Science & Tech Spotlight: Generative AI* (June 2023), available at https://www.gao.gov/assets/gao-23-106782.pdf; George Lawton, *What is generative AI? Everything you need to know,* TechTarget, Jan. 2024, https://www.techtarget.com/searchenterpriseai/definition/generative-AI.

generative adversarial networks, or GANs (a type of machine learning algorithm),[16] that Generative AI could convincingly create authentic images, videos, and audio of real people.[17]

Generative AI systems learn patterns and relationships from massive amounts of data, which enables them to process and create new content that may be similar, but not identical, to the underlying training data. Such systems rely upon sophisticated machine learning algorithms and statistical models to work.[18]

In order to generate new content, Generative AI users are required to submit prompts that guide the generation of new content. Many iterations may be required to produce the intended result because Generative AI is sensitive to the wording of prompts.[19]
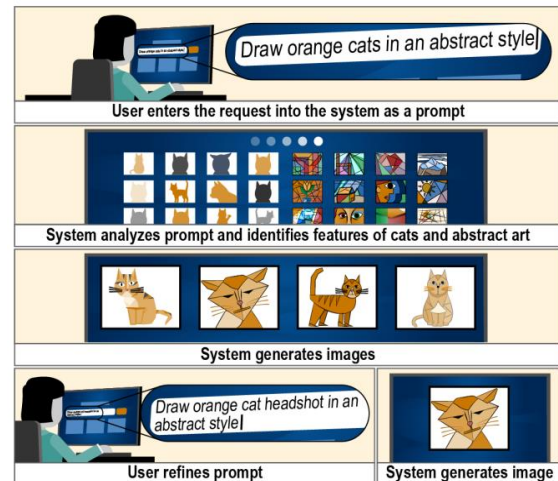
How Generative AI Works[20]

Because Generative AI can do so much, it has many potential applications, including in education, government, medicine, and law. Applications include:
- Writing a speech in a particular tone.
- Summarizing complex research.
- Assessing legal documents.
- Creating images for different applications.
- Composing music.
- Composing poems.
- Designing molecules for new drugs.
- Generating programming codes.
- Translating languages.
- Implementing chatbots.

---

[16] "A generative adversarial network (GAN) is a deep learning architecture. It trains two neural networks to compete against each other to generate more authentic new data from a given training dataset. For instance, you can generate new images from an existing image database or original music from a database of songs. A GAN is called adversarial because it trains two different networks and pits them against each other. One network generates new data by taking an input data sample and modifying it as much as possible. The other network tries to predict whether the generated data output belongs in the original dataset. In other words, the predicting network determines whether the generated data is fake or real. The system generates newer, improved versions of fake data values until the predicting network can no longer distinguish fake from original." Amazon Web Services (AWS), *What is a GAN?,* https://aws.amazon.com/what-is/gan/ (last visited Jan. 20, 2024). GAN can generate images, training data for other models, complete missing information, and generate 3D models from 2D data. *Id.*
[17] George Lawton, *What is generative AI? Everything you need to know,* TechTarget, Jan. 2024, https://www.techtarget.com/searchenterpriseai/definition/generative-AI.
[18] Government Accountability Office (GAO), Science, Technology Assessment, and Analytics, *Science & Tech Spotlight: Generative AI* (June 2023), available at https://www.gao.gov/assets/gao-23-106782.pdf. Training data can include open-source information, such as text and images from the internet. *Id.*
[19] *Id.*
[20] *Id.*

- Deploying "deepfakes."[21]
- Improving dubbing for movies.
- Designing physical products and buildings.[22]

As of early 2023, emerging Generative AI systems have reached more than 100 million users and have attracted global attention to their potential applications.[23]

The U.S. Government Accountability Office has identified several opportunities and challenges in connection with the proliferation of Generative AI systems.[24] With respect to opportunities, Generative AI can quicken access to ideas and knowledge by helping people more efficiently gather new information; help automate a wide variety of administrative and repetitive tasks; and enhance the productivity of many industries.[25] With respect to challenges, because Generative AI systems can respond to harmful instructions, they can increase the speed and scale of many real world harms, such as facilitating the development and proliferation of false information; facilitating the use of copyrighted, proprietary, or sensitive data, without the owner's or subject's knowledge; reducing privacy for users, including minors, through the retention of personally identifiable information without consent; and facilitating the storage and use of sensitive information by foreign adversaries.[26]

Regulation

Concerns about the potential misuse or unintended consequences of AI have prompted efforts to examine and develop standards at the federal and state levels.[27]

For example, the White House Office of Science and Technology Policy has published a document identifying principles that should guide the design, use, and deployment of automated

---

[21] Deepfake AI is a type of AI used to create convincing images, audio, and video hoaxes. "Deepfakes" are created using a combination of techniques, including face swapping. Algorithms learn the unique features of a person's face, such as the shape of his or her nose, the size of his or her eyes, and the position of his or her eyebrows, to create new images or videos using the person's likeness. The new image or video is very realistic and it may be difficult to tell that it has been manipulated. Jerome Thiebaud, *How Badly Will Deepfakes Weaponize Generative AI?,* Centific, https://www.centific.com/how-badly-will-deepfakes-weaponize-generative-ai/ (last visited Jan. 22, 2024).

[22] Government Accountability Office (GAO), Science, Technology Assessment, and Analytics, *Science & Tech Spotlight: Generative AI* (Jun. 2023), available at https://www.gao.gov/assets/gao-23-106782.pdf*;* George Lawton, *What is generative AI? Everything you need to know,* TechTarget, Jan. 2024, https://www.techtarget. com/searchenterpriseai/definition/generative-AI.

[23] Government Accountability Office (GAO), Science, Technology Assessment, and Analytics, *Science & Tech Spotlight: Generative AI* (Jun. 2023), available at https://www.gao.gov/assets/gao-23-106782.pdf.

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] NCSL, *Artificial Intelligence 2023 Legislation,* Jan. 12, 2024, https://www.ncsl.org/technology-and-communication/artificial-intelligence-2023-legislation.

systems.[28] And the U.S. National Institute of Standards and Technology[29] is holding workshops and discussions with the public and private sectors to develop federal standards for the creation of reliable and trustworthy AI systems.[30]

In 2023, at least 25 states, Puerto Rico, and the District of Columbia introduced AI bills, and 18 states and Puerto Rico adopted resolutions or enacted legislation. Examples include:[31]

- Connecticut:
  - o Required its Department of Administrative Services to conduct an inventory of all systems employing AI in use by state agencies and, beginning Feb. 1, 2024, to perform ongoing assessments of such systems, to ensure that they will not result in unlawful discrimination or disparate impact.
  - o Required its Office of Policy and Management to establish policies and procedures concerning the development, procurement, implementation, utilization and ongoing assessment of systems employing AI in use by state agencies.[32]
- Louisiana adopted a resolution requesting its Joint Committee on Technology and Cybersecurity to study the impact of AI in operations, procurement, and policy.[33]
- Maryland established a grant program, its Industry 4.0 Technology Grant Program, to assist certain small and medium-sized manufacturing enterprises with implementing new "industry 4.0" technology or related infrastructure. The definition of industry 4.0 includes AI.[34]
- North Dakota enacted legislation defining a person as an individual, organization, government, political subdivision, or government agency or instrumentality, and specifying that the term does not include environmental elements, AI, animals, or inanimate objects.[35]
- Texas created an AI advisory council to study and monitor AI systems developed, employed or procured by state agencies. North Dakota, Puerto Rico, and West Virginia also created similar councils.[36]

---

[28] The White House, Office of Science and Technology Policy (OSTP), *Blueprint for an AI Bill of Rights,* https://www.whitehouse.gov/ostp/ai-bill-of-rights/ (last visited Jan. 22, 2024); *see also* The White House, OSTP, *Blueprint for an AI Bill of Rights* (Oct. 2022), available at https://www.whitehouse.gov/wp-content/uploads/2022/10/Blueprint-for-an-AI-Bill-of-Rights.pdf (providing that one should be protected from unsafe or ineffective systems; one should not face discrimination by algorithms (systems should be used and designed in an equitable way); one should be protected from abusive data practices via built-in protections and have agency over how data about him or her is used; one should know that an automated system is being used and understand how and why it contributes to outcomes that impact him or her; and one should be able to opt out, where appropriate, and have access to a person who can quickly consider and remedy problems one encounters).

[29] The U.S. National Institute of Standards and Technology (NIST) was founded in 1901 and today forms part of the U.S. Department of Commerce. It is one of the nation's oldest physical science laboratories. NIST, *About NIST,* https://www.nist.gov/about-nist (last visited Jan. 22, 2024).

[30] National Conference of State Legislatures (NCSL), *Artificial Intelligence 2023 Legislation,* Jan. 12, 2024, https://www.ncsl.org/technology-and-communication/artificial-intelligence-2023-legislation; *see also* NIST, *Artificial Intelligence,* https://www.nist.gov/artificial-intelligence (last visited Jan. 22, 2024) (describing NIST's activities in connection with AI development).

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] *Id.*

[35] *Id.*

[36] *Id.*

Advisory Councils

A "council" or an "advisory council" is a kind of advisory body. It is created by specific statutory enactment and appointed to:
- Function on a continuing basis for the study of problems arising in a specified functional or program area of state government.
- Provide recommendations and policy alternatives.[37]

Advisory bodies created by specific statutory enactment, as an adjunct to an executive agency, must be established, evaluated, or maintained in accordance with the following requirements:
- They may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.[38]
- They must be terminated by the Legislature when they are no longer necessary and beneficial to the furtherance of a public purpose.[39]
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies established as adjuncts to executive agencies.[40]
- They must meet a statutorily defined purpose.[41]
- Their powers and responsibilities must conform with the definitions for governmental units specified by statute.[42]
- Their members, unless expressly provided otherwise in the state constitution, must be appointed for four-year staggered terms.[43]
- Their members, unless expressly provided otherwise by specific statutory enactment, must serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses as provided by statute.[44]
- The private citizen members of advisory bodies that are adjunct to executive agencies must be appointed by the Governor, the head of the department, the executive director of the department, or a Cabinet officer.[45]
- The private citizen members of commissions or boards of trustees that are adjunct to executive agencies must be appointed by the Governor unless otherwise provided by law, must be confirmed by the Senate, and must be subject to the dual-office-holding prohibition of the State Constitution.[46]
- Unless an exemption is otherwise specifically provided by law, all meetings of advisory bodies adjunct to executive agencies are public meetings, and minutes, including a record of all votes cast, must be maintained for all meetings.[47]

---

[37] Section 20.03(7), F.S.
[38] Section 20.052(1), F.S.
[39] Section 20.052(2), F.S. The executive agency to which the advisory body is made an adjunct must advise the legislature at the time the advisory body ceases to be essential to the furtherance of a public purpose. *Id.*
[40] Section 20.052(3), F.S.
[41] Section 20.052(4)(a), F.S.
[42] Section 20.052(4)(b), F.S.
[43] Section 20.052(4)(c), F.S.
[44] Section 20.052(4)(d), F.S.
[45] Section 20.052(5)(a), F.S.
[46] Section 20.052(5)(b), F.S.
[47] Section 20.052(5)(c), F.S.

- If an advisory body that is adjunct to an executive agency is abolished, its records must be appropriately stored, within 30 days after the effective date of its abolition, by the executive agency to which it was adjunct, and any property assigned to it must be reclaimed by the executive agency.[48]

Florida Cybersecurity Advisory Council

In 2021, the Legislature established the Florida Cybersecurity Advisory Council within the Department of Management Services to assist state agencies in protecting their information technology resources from cyber threats and incidents. The council is required to submit to the President of the Senate and the Speaker of the House of Representatives any legislative recommendations considered by the council to address cybersecurity beginning June 30, 2022 and each June 30th thereafter.[49]

III. Effect of Proposed Changes:

Government Technology Modernization Council

Section 1 of the bill creates the Government Technology Modernization Council, as an advisory council[50] within the Department of Management Services. Except as otherwise provided in the bill, the council must operate in a manner consistent with the statute regulating advisory bodies, commissions, and boards.[51]

Purpose

The purpose of the council is to study and monitor the development and deployment of new technologies and provide reports on recommendations for procurement and regulation of such systems to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Composition

The council must be composed of the following members:
- The Lieutenant Governor.
- The state chief information officer.
- The Secretary of Commerce.
- The Secretary of Health Care Administration.
- The Commissioner of Education.
- Seven representatives with senior-level experience or expertise in artificial intelligence, cloud computing, identity management, data science, machine learning, government procurement, financial technology, education technology, and constitutional law, with:

---

[48] Section 20.052(5)(d), F.S.
[49] Department of Management Services, *Cybersecurity Advisory Council,* https://www.dms.myflorida.com/other_programs/ cybersecurity_advisory_council (last visited Feb. 13, 2024).
[50] A "council" or "advisory council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives. Section 20.03(7), F.S.
[51] *See* s. 20.052, F.S. (regulating advisory bodies, commissions, and boards).

- o   Five appointed by the Governor.
- o   One appointed by the President of the Senate.
- o   One appointed by the Speaker of the House of Representatives.
- One member of the Senate, appointed by the President of the Senate or his or her designee.
- One member of the House of Representatives, appointed by the Speaker of the House of Representatives or his or her designee.

The Secretary of Management Services, or his or her designee, must serve as the ex officio, nonvoting executive director of the council.

Term

The bill requires members to serve for a term of 4 years, except that sitting members of the Senate and the House of Representatives must serve terms that correspond with their terms of office. For the purpose of providing staggered terms, the initial appointments of members made by the Governor must be for a term of 2 years. A vacancy must be filled for the remainder of the unexpired term in the same manner as the initial appointment. All members of the council are eligible for reappointment.

Compensation

The bill requires members of the council to serve without compensation, but they are entitled to receive reimbursement for per diem and travel expenses pursuant to state law.[52]

Duties

The bill requires the council to meet at least quarterly to:
- Recommend legislative and administrative actions that the Legislature and state agencies[53] may take to promote the development of data modernization in this state.
- Assess and provide guidance on necessary legislative reforms and the creation of a state code of ethics for artificial intelligence systems in state government.
- Assess the effect of automated decision systems or identity management on constitutional and other legal rights, duties, and privileges of residents of this state.
- Evaluate common standards for artificial intelligence safety and security measures, including the benefits of requiring disclosure of the digital provenance for all images and audio created using generative artificial intelligence as a means of revealing the origin and edit of the image or audio, as well as the best methods for such disclosure.
- Assess the manner in which governmental entities and the private sector are using artificial intelligence with a focus on opportunity areas for deployments in systems across this state.
- Determine the manner in which artificial intelligence is being exploited by bad actors, including foreign countries of concern as defined in state law.[54]

---

[52] Section 112.061, F.S.

[53] *See* s. 282.318(2), F.S. (providing that the term has the same meaning as in s. 282.0041, F.S., except that it includes the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services).

[54] *See* s. 287.138(1)(c), F.S. (defining "foreign countries of concern" to mean the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan

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

The bill provides that at least one quarterly meeting of the council must be a joint meeting with the Florida Cybersecurity Advisory Council.

The bill provides that by December 31, 2024, and each December 31 thereafter, the council must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives legislative recommendations considered necessary by the council to modernize government technology, including:
- Recommendations for policies necessary to:
  - o Accelerate adoption of technologies that will increase productivity of state enterprise information technology systems, improve customer service levels of government, and reduce administrative or operating costs.
  - o Promote the development and deployment of artificial intelligence systems, financial technology, education technology, or other enterprise management software in the state.
  - o Protect Floridians from bad actors who use artificial intelligence.
- Any other information the council considers relevant.

Generated Child Pornography

Section 2 of the bill creates s. 827.072, F.S., entitled "Generated child pornography."

Definitions

Under the bill, the term:
- "Generated child pornography" means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct.
- "Intentionally view" means deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.[55]
- "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."[56]

---

regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern).
[55] Section 827.071(1)(f), F.S.
[56] Section 827.071(1)(l), F.S.

Criminal Prohibitions

The bill provides that it is unlawful for a person to knowingly possess or control or intentionally view a photograph, a motion picture, a representation, an image, a data file, a computer depiction, or any other presentation which, in whole or in part, he or she knows includes generated child pornography. The possession, control, or intentional viewing of each such photograph, motion picture, representation, image, data file, computer depiction, or other presentation is a separate offense. A person who violates these provisions commits a felony of the third degree, punishable as provided in s. 775.082,[57] s. 775.083,[58] or s. 775.084,[59] F.S.

Additionally, any person who intentionally creates generated child pornography commits a felony of the third degree, punishable as provided in s. 775.082,[60] s. 775.083,[61] or s. 775.084,[62] F.S.

These criminal prohibitions do not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

Reproduction

Section 3 of the bill amends s. 92.561, F.S., which prohibits the reproduction of child pornography, to also prohibit the reproduction of generated child pornography.

Effective Date

Section 4 of the bill provides that it takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

---

[57] A term of imprisonment not exceeding five years. *See* s. 775.082(3)(e), F.S.
[58] A fine of up to $5,000. *See* s. 775.083(1)(c), F.S.
[59] Providing for enhanced penalties for habitual offenders.
[60] A term of imprisonment not exceeding five years. *See* s. 775.082(3)(e), F.S.
[61] A fine of up to $5,000. *See* s. 775.083(1)(c), F.S.
[62] Providing for enhanced penalties for habitual offenders.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Management Services will incur costs associated with administratively supporting the council and reimbursing its members for travel and other costs. However, these costs will be relatively small and can likely be absorbed by the Department of Management Services' existing operating budget.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 92.561 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 282.802 and 827.072.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on February 14, 2024:
The committee substitute:
- Revises the purpose of the Government Technology Modernization Council to study and monitor the development and deployment of new technologies and to provide reports on recommendations for procurement and regulation of such systems.
- Changes the makeup of the council and the number of appointments to the council made by the Governor, Senate President, and Speaker of the House of Representatives.

- Eliminates language requiring council members to maintain the confidential and exempt status of information received by them in their capacities as council members.
- Changes the wording of various provisions directing the council to assess and evaluate specific issues in connection with artificial intelligence systems and automated decision systems.
- Includes, in connection with evaluating common standards for artificial intelligence and safety, an evaluation of the benefits of requiring disclosure of digital provenance for all images and audio created using generative artificial intelligence.
- Includes an evaluation of the need for curriculum to prepare school-age audiences with digital media and visual literacy skills.
- Requires that at least one quarterly meeting of the council be a joint meeting with the Florida Cybersecurity Advisory Council.
- Consolidates council reporting requirements into a single report due to the Governor and Legislature on December 31, 2024, and every December 31 thereafter, which includes legislative recommendations to modernize government technology.
- Eliminates the need to evaluate the impact of artificial intelligence systems on various interests, to focus instead on protecting Floridians more generally from bad actors who use artificial intelligence, and on evaluating technologies that increase the productivity and efficiency of state information technology systems.
- Eliminates the definition of "promote" from the statute created by the bill, s. 827.072, F.S.
- Clarifies that the prohibitions in s. 827.072, F.S., do not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.
- Amends s. 92.561, F.S., which prohibits the reproduction of child pornography, to also prohibit the reproduction of generated child pornography.

CS by Judiciary on January 29, 2024:
The committee substitute is the same as the original bill, except it:
- Provides that the Lieutenant Governor, Surgeon General, and Secretary of AHCA cannot appoint designees to the advisory council.
- Requires the Governor to appoint 7, instead of 6, to the advisory council.
- Requires the advisory council to include representatives with senior level experience or expertise in government procurement and constitutional law.
- Requires advisory council members who are sitting members of the House and Senate to serve terms that correspond to their terms in office.
- Requires the advisory council to recommend legislative and administrative actions that the Legislature and state agencies may take to promote the development of data modernization, instead of artificial AI systems.
- Eliminates the need for the advisory council to assess what AI is currently capable of, and recent developments, including the application of AI in manufacturing, mining, farming, and logistics.
- Eliminates the need for the advisory council to discuss the future of AI and the ways it could develop over the next decade, including the application of AI to manufacturing, mining, farming, and logistics.

- Requires the advisory council, in assessing the ways governmental entities and the private sector are using AI, to focus on opportunity areas for deployments in systems across the state.
- Requires the June 30, 2025, report to include recommendations considered by the advisory council to modernize government technology, instead of to address AI.
- Requires the December 1, 2024, report to include, in its summary of recommendations by relevant national entities in state government, a summary on technology systems including AI, cloud computing, identity management, and financial technology.
- Creates a new criminal statute, instead of an AI transparency statute, that makes it unlawful for a person to knowingly possess, control, or intentionally view media that he or she knows includes generated child pornography, or to intentionally create generated child pornography; violators of the new criminal statute commit a felony of the third degree.

B.   Amendments:

None.