

By the Committee on Judiciary; and Senator Bradley

590-02610-24

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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  
8 recommendations to the Legislature and specified  
9 reports to the Governor and the Legislature by  
10 specified dates; creating s. 827.072, F.S.; defining  
11 terms; prohibiting a person from knowingly possessing  
12 or controlling or intentionally viewing photographs,  
13 motion pictures, representations, images, data files,  
14 computer depictions, or other presentations which the  
15 person knows to include generated child pornography;  
16 providing criminal penalties; prohibiting a person  
17 from intentionally creating generated child  
18 pornography; providing criminal penalties; providing  
19 an effective date.  
20

21 Be It Enacted by the Legislature of the State of Florida:  
22

23 Section 1. Section 282.802, Florida Statutes, is created to  
24 read:

25 282.802 Government Technology Modernization Council.-

26 (1) The Government Technology Modernization Council, an  
27 advisory council as defined in s. 20.03(7), is created within  
28 the department. Except as otherwise provided in this section,  
29 the advisory council shall operate in a manner consistent with

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30 s. 20.052.

31 (2) The purpose of the council is to study and monitor the  
32 development and deployment of artificial intelligence systems  
33 and provide reports on such systems to the Governor and the  
34 Legislature.

35 (3) The council shall be composed of the following members:

36 (a) The Lieutenant Governor.

37 (b) The state chief information officer.

38 (c) The State Surgeon General.

39 (d) The Secretary of Health Care Administration.

40 (e) A representative of the computer crime center of the  
41 Department of Law Enforcement, appointed by the executive  
42 director of the Department of Law Enforcement.

43 (f) The Chief Inspector General.

44 (g) Thirteen representatives of institutions of higher  
45 education located in this state or the private sector with  
46 senior level experience or expertise in artificial intelligence,  
47 cloud computing, identity management, data science, machine  
48 learning, government procurement, and constitutional law, with  
49 seven appointed by the Governor, three appointed by the  
50 President of the Senate, and three appointed by the Speaker of  
51 the House of Representatives.

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

54 (i) One member of the House of Representatives, appointed  
55 by the Speaker of the House of Representatives or his or her  
56 designee.

57 (4) Members shall serve for terms of 4 years, except that  
58 sitting members of the Senate and the House of Representatives

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59 shall serve terms that correspond with their terms of office.  
60 For the purpose of providing staggered terms, the initial  
61 appointments of members made by the Governor shall be for terms  
62 of 2 years. A vacancy shall be filled for the remainder of the  
63 unexpired term in the same manner as the initial appointment.  
64 All members of the council are eligible for reappointment.

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

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

71 (7) Members of the council shall maintain the confidential  
72 and exempt status of information received in the performance of  
73 their duties and responsibilities as members of the council. In  
74 accordance with s. 112.313, a current or former member of the  
75 council may not disclose or use information not available to the  
76 general public and gained by reason of his or her official  
77 position, except for information relating exclusively to  
78 governmental practices, for his or her personal gain or benefit  
79 or for the personal gain or benefit of any other person or  
80 business entity. Members of the council shall sign an agreement  
81 acknowledging the provisions of this subsection.

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

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

86 (b) Assess the effect of automated decision systems on  
87 constitutional and other legal rights, duties, and privileges of

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88 residents of this state.

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

92 (d) Recommend legislative and administrative actions that  
93 the Legislature and state agencies as defined in s. 282.318(2)  
94 may take to promote the development of data modernization in  
95 this state.

96 (e) Assess where artificial intelligence is deployed today.

97 (f) Evaluate common standards for artificial intelligence  
98 safety and security measures.

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

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

105 (9) By June 30, 2025, and each June 30 thereafter, the  
106 council shall submit to the President of the Senate and the  
107 Speaker of the House of Representatives any legislative  
108 recommendations considered necessary by the council to modernize  
109 government technology.

110 (10) By December 1, 2024, and each December 1 thereafter,  
111 the council shall submit to the Governor, the President of the  
112 Senate, and the Speaker of the House of Representatives a  
113 comprehensive report that includes data, trends, analysis,  
114 findings, and recommendations for state and local action  
115 regarding ransomware incidents. At a minimum, the report must  
116 include:

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

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

124 (c) Recommended policies necessary to:

125 1. Protect the privacy interests of residents of this state  
126 from any decrease in employment caused by artificial  
127 intelligence systems.

128 2. Ensure that residents of this state are free from unfair  
129 discrimination caused or compounded by the employment of  
130 artificial intelligence systems.

131 3. Promote the development and deployment of artificial  
132 intelligence systems in this state.

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

134 Section 2. Section 827.072, Florida Statutes, is created to  
135 read:

136 827.072 Generated child pornography.—

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

138 (a) "Generated child pornography" means any image that has  
139 been created, altered, adapted, or modified by electronic,  
140 mechanical, or other computer-generated means to portray a  
141 fictitious person, who a reasonable person would regard as being  
142 a real person younger than 18 years of age, engaged in sexual  
143 conduct.

144 (b) "Intentionally view" has the same meaning as in s.  
145 827.071.

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146 (c) "Promote" has the same meaning as in s. 827.071.

147 (d) "Sexual conduct" has the same meaning as in s. 827.071.

148 (2) (a) It is unlawful for a person to knowingly possess or  
149 control or intentionally view a photograph, a motion picture, a  
150 representation, an image, a data file, a computer depiction, or  
151 any other presentation which, in whole or in part, he or she  
152 knows includes generated child pornography. The possession,  
153 control, or intentional viewing of each such photograph, motion  
154 picture, representation, image, data file, computer depiction,  
155 or other presentation is a separate offense. A person who  
156 violates this paragraph commits a felony of the third degree,  
157 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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