

By the Committees on Rules; and Judiciary; and Senator Bradley

595-03347-24

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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      applicability; amending s. 92.561, F.S.; prohibiting  
20      the reproduction of generated child pornography;  
21      providing an effective date.

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

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

27       282.802 Government Technology Modernization Council.-

28       (1) The Government Technology Modernization Council, an  
29 advisory council as defined in s. 20.03(7), is created within

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30 the department. Except as otherwise provided in this section,  
31 the advisory council shall operate in a manner consistent with  
32 s. 20.052.

33 (2) The purpose of the council is to study and monitor the  
34 development and deployment of new technologies and provide  
35 reports on recommendations for procurement and regulation of  
36 such systems to the Governor, the President of the Senate, and  
37 the Speaker of the House of Representatives.

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

39 (a) The Lieutenant Governor.

40 (b) The state chief information officer.

41 (c) The Secretary of Commerce.

42 (d) The Secretary of Health Care Administration.

43 (e) The Commissioner of Education.

44 (f) Seven representatives with senior level experience or  
45 expertise in artificial intelligence, cloud computing, identity  
46 management, data science, machine learning, government  
47 procurement, financial technology, education technology, and  
48 constitutional law, with five appointed by the Governor, one  
49 appointed by the President of the Senate, and one appointed by  
50 the Speaker of the House of Representatives.

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

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

56 (4) Members shall serve for terms of 4 years, except that  
57 sitting members of the Senate and the House of Representatives  
58 shall serve terms that correspond with their terms of office.

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

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

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

70 (7) (a) The council shall meet at least quarterly to:

71 1. Recommend legislative and administrative actions that  
72 the Legislature and state agencies as defined in s. 282.318(2)  
73 may take to promote the development of data modernization in  
74 this state.

75 2. Assess and provide guidance on necessary legislative  
76 reforms and the creation of a state code of ethics for  
77 artificial intelligence systems in state government.

78 3. Assess the effect of automated decision systems or  
79 identity management on constitutional and other legal rights,  
80 duties, and privileges of residents of this state.

81 4. Evaluate common standards for artificial intelligence  
82 safety and security measures, including the benefits of  
83 requiring disclosure of the digital provenance for all images  
84 and audio created using generative artificial intelligence as a  
85 means of revealing the origin and edit of the image or audio, as  
86 well as the best methods for such disclosure.

87 5. Assess the manner in which governmental entities and the

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88 private sector are using artificial intelligence with a focus on  
89 opportunity areas for deployments in systems across this state.

90 6. Determine the manner in which artificial intelligence is  
91 being exploited by bad actors, including foreign countries of  
92 concern as defined in s. 287.138(1).

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

96 (b) At least one quarterly meeting of the council must be a  
97 joint meeting with the Florida Cybersecurity Advisory Council.

98 (8) By December 31, 2024, and each December 31 thereafter,  
99 the council shall submit to the Governor, the President of the  
100 Senate, and the Speaker of the House of Representatives any  
101 legislative recommendations considered necessary by the council  
102 to modernize government technology, including:

103 (a) Recommendations for policies necessary to:

104 1. Accelerate adoption of technologies that will increase  
105 productivity of state enterprise information technology systems,  
106 improve customer service levels of government, and reduce  
107 administrative or operating costs.

108 2. Promote the development and deployment of artificial  
109 intelligence systems, financial technology, education  
110 technology, or other enterprise management software in this  
111 state.

112 3. Protect Floridians from bad actors who use artificial  
113 intelligence.

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

115 Section 2. Section 827.072, Florida Statutes, is created to  
116 read:

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117 827.072 Generated child pornography.-

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

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

125 (b) "Intentionally view" has the same meaning as in s.  
126 827.071.

127 (c) "Sexual conduct" has the same meaning as in s. 827.071.

128 (2) (a) It is unlawful for a person to knowingly possess or  
129 control or intentionally view a photograph, a motion picture, a  
130 representation, an image, a data file, a computer depiction, or  
131 any other presentation which, in whole or in part, he or she  
132 knows includes generated child pornography. The possession,  
133 control, or intentional viewing of each such photograph, motion  
134 picture, representation, image, data file, computer depiction,  
135 or other presentation is a separate offense. A person who  
136 violates this paragraph commits a felony of the third degree,  
137 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

141 (c) Paragraph (a) does not apply to any material possessed,  
142 controlled, or intentionally viewed as part of a law enforcement  
143 investigation.

144 Section 3. Section 92.561, Florida Statutes, is amended to  
145 read:

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146 92.561 Prohibition on reproduction of child pornography.—

147 (1) In a criminal proceeding, any property or material that  
148 portrays sexual performance by a child as defined in s. 827.071,  
149 generated child pornography as defined in s. 827.072, or  
150 constitutes child pornography as defined in s. 847.001, must  
151 remain secured or locked in the care, custody, and control of a  
152 law enforcement agency, the state attorney, or the court.

153 (2) Notwithstanding any law or rule of court, a court shall  
154 deny, in a criminal proceeding, any request by the defendant to  
155 copy, photograph, duplicate, or otherwise reproduce any property  
156 or material that portrays sexual performance by a child,  
157 generated child pornography, or constitutes child pornography so  
158 long as the state attorney makes the property or material  
159 reasonably available to the defendant.

160 (3) For purposes of this section, property or material is  
161 deemed to be reasonably available to the defendant if the state  
162 attorney provides ample opportunity at a designated facility for  
163 the inspection, viewing, and examination of the property or  
164 material that portrays sexual performance by a child, generated  
165 child pornography, or constitutes child pornography by the  
166 defendant, his or her attorney, or any individual whom the  
167 defendant uses as an expert during the discovery process or at a  
168 court proceeding.

169 Section 4. This act shall take effect July 1, 2024.