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1
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 as chair.

40 (b) The state chief information officer.

41 (c) The Secretary of Commerce or his or her designee.

42 (d) The Secretary of Health Care Administration or his or
43 her designee.

44 (e) The Secretary of Transportation or his or her designee.

45 (f) The executive director of the Department of Law
46 Enforcement or his or her designee.

47 (g) Five representatives with senior level experience or
48 expertise in artificial intelligence, cloud computing, identity
49 management, data science, machine learning, government
50 procurement, financial technology, education technology, and
51 constitutional law, with three appointed by the Governor, one
52 appointed by the President of the Senate, and one appointed by
53 the Speaker of the House of Representatives.

54 (h) One member of the Senate, appointed by the President of
55 the Senate.

56 (i) One member of the House of Representatives, appointed
57 by the Speaker of the House of Representatives.

58 (4) Members shall serve for terms of 4 years, except that

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

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

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

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

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

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

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

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

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88 well as the best methods for such disclosure.

89 5. Assess the manner in which governmental entities and the
90 private sector are using artificial intelligence with a focus on
91 opportunity areas for deployments in systems across this state.

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

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

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

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

105 (a) Recommendations for policies necessary to:

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

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

114 3. Protect Floridians from bad actors who use artificial
115 intelligence.

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

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117 Section 2. Section 827.072, Florida Statutes, is created to
118 read:

119 827.072 Generated child pornography.—

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

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

127 (b) "Intentionally view" has the same meaning as in s.
128 827.071.

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

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

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

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

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146 Section 3. Section 92.561, Florida Statutes, is amended to
147 read:

148 92.561 Prohibition on reproduction of child pornography.—

149 (1) In a criminal proceeding, any property or material that
150 portrays sexual performance by a child as defined in s. 827.071,
151 constitutes generated child pornography as defined in s.

152 827.072, or constitutes child pornography as defined in s.

153 847.001, must remain secured or locked in the care, custody, and
154 control of a law enforcement agency, the state attorney, or the
155 court.

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

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

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