

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to the use of artificial intelligence
3 in political advertising; creating s. 106.145, F.S.;
4 defining the term "generative artificial
5 intelligence"; requiring that certain political
6 advertisements, electioneering communications, or
7 other miscellaneous advertisements include a specified
8 disclaimer; providing for civil penalties; authorizing
9 the filing of complaints regarding violations with the
10 Florida Elections Commission; requiring the commission
11 to adopt specified rules; requiring the director of
12 the Division of Administrative Hearings to assign an
13 administrative law judge to provide an expedited
14 hearing if certain conditions exist; providing an
15 effective date.

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

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19 Section 1. Section 106.145, Florida Statutes, is created to
20 read:

21 106.145 Use of artificial intelligence.-

22 (1) As used in this section, the term "generative
23 artificial intelligence" means a machine-based system that can,
24 for a given set of human-defined objectives, emulate the
25 structure and characteristics of input data in order to generate
26 derived synthetic content, including images, video, audio, text,
27 and other digital content.

28 (2) If a political advertisement, electioneering
29 communication, or other miscellaneous advertisement of a

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30 political nature contains images, video, audio, text, or other
31 digital content created in whole or in part with the use of
32 generative artificial intelligence and the generated content
33 appears to depict a real person performing an action that did
34 not actually occur, the political advertisement, electioneering
35 communication, or other such miscellaneous advertisement must
36 prominently state the following disclaimer: "Created in whole or
37 in part with the use of generative artificial intelligence
38 (AI)."

39 (3) (a) A person who fails to include the disclaimer
40 prescribed in this section in any political advertisement,
41 electioneering communication, or other miscellaneous
42 advertisement of a political nature that is required to contain
43 such disclaimer is subject to the civil penalties prescribed in
44 s. 106.265.

45 (b) A person may file a complaint with the Florida
46 Elections Commission pursuant to s. 106.25 alleging a violation
47 of this section. The commission shall adopt rules to provide an
48 expedited hearing of complaints filed under this section, or, in
49 cases referred to the Division of Administrative Hearings
50 pursuant to s. 106.25(5), the director shall assign an
51 administrative law judge to provide an expedited hearing.

52 Section 2. This act shall take effect July 1, 2024.