

By the Committee on Ethics and Elections; and Senator DiCeglie

582-02132-24

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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 criminal penalties;  
9 authorizing the filing of complaints regarding  
10 violations with the Florida Elections Commission;  
11 requiring the commission to adopt specified rules;  
12 requiring the director of the Division of  
13 Administrative Hearings to assign an administrative  
14 law judge to provide an expedited hearing if certain  
15 conditions exist; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
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

582-02132-24

2024850c1

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, the generated content  
33 appears to depict a real person performing an action that did  
34 not actually occur, and the generated content was created with  
35 intent to injure a candidate or to deceive regarding a ballot  
36 issue, the political advertisement, electioneering  
37 communication, or other miscellaneous advertisement must  
38 prominently state the following disclaimer: "Created in whole or  
39 in part with the use of generative artificial intelligence  
40 (AI)."

41 (3) (a) A person who fails to include the disclaimer  
42 prescribed in this section in any political advertisement,  
43 electioneering communication, or other miscellaneous  
44 advertisement of a political nature which is required to contain  
45 such disclaimer commits a misdemeanor of the first degree,  
46 punishable as provided in s. 775.082 or s. 775.083.

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

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