

1                                   A bill to be entitled  
 2           An act relating to artificial intelligence use in  
 3           political advertising; creating s. 106.145, F.S.;  
 4           providing a definition; requiring certain political  
 5           advertisements, electioneering communications, or  
 6           other miscellaneous advertisements to include a  
 7           specified disclaimer; specifying requirements for the  
 8           disclaimer; providing for criminal and civil  
 9           penalties; authorizing any person to file certain  
 10          complaints; providing for expedited hearings;  
 11          providing an effective date.

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

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 15           Section 1. Section 106.145, Florida Statutes, is created  
 16          to read:

17           106.145 Use of artificial intelligence.-

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

24           (2) If a political advertisement, an electioneering  
 25           communication, or other miscellaneous advertisement of a

26 political nature contains images, video, audio, graphics, or  
27 other digital content created in whole or in part with the use  
28 of generative artificial intelligence, if the generated content  
29 appears to depict a real person performing an action that did  
30 not actually occur, and if the generated content was created  
31 with intent to injure a candidate or to deceive regarding a  
32 ballot issue, the political advertisement, electioneering  
33 communication, or other miscellaneous advertisement must  
34 prominently state the following disclaimer: "Created in whole or  
35 in part with the use of generative artificial intelligence  
36 (AI)." The disclaimer required in this section is in addition to  
37 any other disclaimer required under this chapter.

38 (3) The disclaimer must:

39 (a) For a printed communication, be stated in bold font  
40 with a font size of at least 12 points.

41 (b) For a television or video communication, be clearly  
42 readable throughout the communication and occupy at least 4  
43 percent of the vertical picture height.

44 (c) For an Internet public communication that includes  
45 text or graphic components, be viewable without the user taking  
46 any action and be large enough to be clearly readable.

47 (d) For any audio component of a communication, be at  
48 least 3 seconds in length and spoken in a clearly audible and  
49 intelligible manner at either the beginning or the end of the  
50 audio component of the communication.

51 (e) For a graphic communication, be large enough to be  
52 clearly readable but no less than 4 percent of the vertical  
53 height of the communication.

54 (4)(a) In addition to any civil penalties provided by law,  
55 a person identified pursuant to another disclaimer required  
56 under this chapter as paying for, sponsoring, or approving a  
57 political advertisement, an electioneering communication, or  
58 other miscellaneous advertisement of a political nature which is  
59 required to contain the disclaimer prescribed in this section  
60 and who fails to include the required disclaimer commits a  
61 misdemeanor of the first degree, punishable as provided in s.  
62 775.082 or s. 775.083.

63 (b) Any person may file a complaint with the Florida  
64 Elections Commission pursuant to s. 106.25 alleging a violation  
65 of this section. The commission shall adopt rules to provide an  
66 expedited hearing of complaints filed under this section, or, in  
67 cases referred to the Division of Administrative Hearings  
68 pursuant to s. 106.25(5), the director shall assign an  
69 administrative law judge to provide an expedited hearing.

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