

By Senator Burgess

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1 A bill to be entitled
2 An act relating to provenance of digital content;
3 amending s. 106.145, F.S.; defining the term
4 "provenance data"; requiring that certain content
5 include provenance data; creating s. 252.353, F.S.;
6 creating a digital content provenance pilot program
7 within the Division of Emergency Management; providing
8 the pilot program's purpose; requiring the division to
9 adopt rules; requiring the division to submit an
10 annual report to the Legislature by a specified date;
11 specifying requirements for the report; providing for
12 future repeal; creating s. 501.9741, F.S.; defining
13 terms; requiring that provenance data be included on
14 specified data; requiring providers of certain
15 artificial intelligence tools to make application
16 tools and provenance readers available to the public;
17 requiring certain social media platforms to retain and
18 make available certain provenance data; requiring that
19 certain capture devices allow an option to include
20 provenance data on certain content; providing a
21 requirement for the manufacturer of such devices;
22 providing that a violation constitutes an unfair or
23 deceptive act or practice; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Present subsection (4) of section 106.145,
29 Florida Statutes, is redesignated as subsection (5), a new

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30 subsection (4) is added to that section, and subsection (1) and
31 present subsection (4) of that section are amended, to read:

32 106.145 Use of artificial intelligence.—

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

34 (a) "Generative artificial intelligence" means a machine-
35 based system that can, for a given set of human-defined
36 objectives, emulate the structure and characteristics of input
37 data in order to generate derived synthetic content including
38 images, videos, audio, text, and other digital content.

39 (b) "Provenance data" means information that records the
40 origin of a piece of visual or audio digital content and the
41 history of modifications to such content which is in a format
42 that is compliant with widely adopted guidelines or
43 specifications promulgated by an established standard-setting
44 body. The term includes, but is not limited to, information
45 identifying whether some or all of the content has been derived
46 through generative artificial intelligence and, if so, the name
47 of the generative artificial intelligence tool used to generate
48 such content and the organization that developed such tool.

49 (4) Any content regarding an election or purporting to
50 feature a candidate which can be viewed, heard, or accessed
51 online must carry digital provenance data.

52 (5) (a) ~~(4) (a)~~ In addition to any civil penalties provided by
53 law, a person identified pursuant to another disclaimer required
54 under this chapter as paying for, sponsoring, or approving a
55 political advertisement, an electioneering communication, or any
56 other ~~an other~~ miscellaneous advertisement of a political nature
57 which is required to contain the disclaimer prescribed under
58 subsection (2) ~~in this section~~ and who fails to include the

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59 required disclaimer commits a misdemeanor of the first degree,
60 punishable as provided in s. 775.082 or s. 775.083.

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

68 Section 2. Section 252.353, Florida Statutes, is created to
69 read:

70 252.353 Digital content provenance pilot program.—

71 (1) There is established within the division a digital
72 content provenance pilot program. The purpose of the pilot
73 program is to enhance the security and authenticity of digital
74 content used in emergency management operations through the
75 inclusion of provenance data as defined in s. 106.145(1).

76 (2) The division shall adopt rules necessary to implement
77 the pilot program.

78 (3) By December 1 of each year, the division shall submit
79 to the President of the Senate and the Speaker of the House of
80 Representatives a report that includes information concerning
81 the pilot program and whether any changes should be made to the
82 pilot program which would increase its effectiveness. In the
83 report submitted by December 1, 2029, the division shall include
84 a recommendation of whether the pilot program should be
85 continued, terminated, or expanded.

86 (4) This section shall stand repealed on June 30, 2030,
87 unless reviewed and saved from repeal through reenactment by the

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88 Legislature.

89 Section 3. Section 501.9741, Florida Statutes, is created
90 to read:

91 501.9741 Provenance data of digital content.—

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

93 (a) "Application tool" means a tool or service that enables
94 the user to apply provenance data, either directly or through
95 the use of third-party technology, to any data that has been
96 modified to include synthetic content.

97 (b) "Capture device" means a device that can record any
98 visual or audio digital content, including, but not limited to,
99 a camera, a cellular phone with a camera, a microphone, or an
100 audio or video recorder.

101 (c) "Generative artificial intelligence" has the same
102 meaning as in s. 106.145(1).

103 (d) "Generative artificial intelligence tool" means a
104 product or feature that uses generative artificial intelligence
105 to create visual or audio digital content.

106 (e) "Provenance data" has the same meaning as in s.
107 106.145(1).

108 (f) "Provenance reader" means a tool or service that allows
109 users to identify the provenance data of visual or audio digital
110 content.

111 (2) Provenance data must be included on any synthetic data
112 wholly created by a generative artificial intelligence tool. The
113 provider of such artificial intelligence tool shall make
114 available to the public:

115 (a) An application tool.

116 (b) A free provenance reader.

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117 (3) A social media platform as defined in s. 501.2041(1)
118 shall retain all available provenance data of visual or audio
119 digital content provided to or posted on such platform and make
120 such data available to users of the platform through a
121 conspicuous indicator.

122 (4) A capture device sold in this state must allow an
123 option to include provenance data on any visual or audio digital
124 content recorded with such device. The manufacturer of a capture
125 device must ensure that such provenance data can be read by
126 third-party applications.

127 (5) A violation of this section constitutes an unfair or
128 deceptive act or practice as specified in s. 501.204.

129 Section 4. This act shall take effect July 1, 2025.