1   A bill to be entitled

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. 501.174, F.S.; providing

11   definitions; requiring certain entities and persons to

12   create safety and transparency standards for content,

13   images, and videos generated by artificial

14   intelligence; requiring disclosures for certain

15   communications, interactions, and content; prohibiting

16   the use of artificial intelligence in the creation of

17   child pornography under certain conditions; providing

18   applicability; requiring certain state agencies to

19   provide certain disclosures; authorizing the

20   Department of Legal Affairs to bring an action for

21   violations under the Florida Deceptive and Unfair

22   Trade Practices Act; providing civil penalties;

23   providing that the act does not establish private

24   causes of action; providing that certain entities and

25   persons are subject to the jurisdiction of state

26   courts; authorizing the department to adopt rules;

27   amending s. 775.0847, F.S.; amending a definition;

28   amending s. 827.071, F.S.; amending a definition;

29   providing an effective date.

30

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

32

33   Section 1.   Section 282.802, Florida Statutes, is created

34   to read:

35   282.802 Government Technology Modernization Council.—

36   (1)   The Government Technology Modernization Council, an

37   advisory council as defined in s. 20.03(7), is created within

38   the department. Except as otherwise provided in this section,

39   the advisory council shall operate in a manner consistent with

40   s. 20.052.

41   (2)   The purpose of the council is to study and monitor the

42   development and deployment of artificial intelligence systems

43   and provide reports on such systems to the Governor and the

44   Legislature.

45   (3)   The council shall be comprised of the following

46   members:

47   (a)   The Lieutenant Governor.

48   (b)   The state chief information officer.

49   (c)   The State Surgeon General.

50   (d)   The Secretary of Health Care Administration.

51   (e) A representative of the computer crime center of the
52   Department of Law Enforcement, appointed by the executive
53   director of the Department of Law Enforcement.
54   (f) The Chief Inspector General.
55   (g) Thirteen representatives of institutions of higher
56   education located in this state or the private sector with
57   senior level experience or expertise in artificial intelligence,
58   cloud computing, identity management, data science, machine
59   learning, government procurement, and constitutional law, with
60   seven appointed by the Governor, three appointed by the
61   President of the Senate, and three appointed by the Speaker of
62   the House of Representatives.
63   (h) One member of the Senate, appointed by the President
64   of the Senate or his or her designee.
65   (i) One member of the House of Representatives, appointed
66   by the Speaker of the House of Representatives or his or her
67   designee.
68   (4) Members shall serve for terms of 4 years, except that
69   sitting members of the Senate and the House of Representatives
70   shall serve terms that correspond with their terms of office.
71   For the purpose of providing staggered terms, the initial
72   appointments of members made by the Governor shall be for terms
73   of 2 years. A vacancy shall be filled for the remainder of the
74   unexpired term in the same manner as the initial appointment.
75   All members of the council are eligible for reappointment.

76   (5)   The Secretary of Management Services, or his or her

77   designee, shall serve as the ex officio, nonvoting executive

78   director of the council.

79   (6)   Members of the council shall serve without

80   compensation but are entitled to receive reimbursement for per

81   diem and travel expenses pursuant to s. 112.061.

82   (7)   Members of the council shall maintain the confidential

83   and exempt status of information received in the performance of

84   their duties and responsibilities as members of the council. In

85   accordance with s. 112.313, a current or former member of the

86   council may not disclose or use information not available to the

87   general public and gained by reason of his or her official

88   position, except for information relating exclusively to

89   governmental practices, for his or her personal gain or benefit

90   or for the personal gain or benefit of any other person or

91   business entity. Members of the council shall sign an agreement

92   acknowledging the provisions of this subsection.

93   (8)   The council shall meet at least quarterly to:

94   (a)   Assess and provide guidance on necessary legislative

95   reforms and the creation of a state code of ethics for

96   artificial intelligence systems in state government.

97   (b)   Assess the effect of automated decision systems on

98   constitutional and other legal rights, duties, and privileges of

99   residents of this state.

100   (c)   Study the potential benefits, liabilities, and risks

101 that this state, residents of this state, and businesses may

102 incur as a result of implementing automated decision systems.

103   (d) Recommend legislative and administrative actions that

104 the Legislature and state agencies as defined in s. 282.318(2)

105 may take to promote the development of data modernization in

106 this state.

107   (e) Assess where artificial intelligence is deployed

108 today.

109   (f) Evaluate common standards for artificial intelligence

110 safety and security measures.

111   (g) Assess how governmental entities and the private

112 sector are using artificial intelligence with a focus on

113 opportunity areas for deployments in systems across this state.

114   (h) Determine how artificial intelligence is being

115 exploited by bad actors, including foreign countries of concern

116 as defined in s. 287.138(1).

117   (9) By June 30, 2024, and each June 30 thereafter, the

118 council shall submit to the President of the Senate and the

119 Speaker of the House of Representatives any legislative

120 recommendations considered necessary by the council to modernize

121 government technology.

122   (10) By December 1, 2024, and each December 1 thereafter,

123 the council shall submit to the Governor, the President of the

124 Senate, and the Speaker of the House of Representatives a

125 comprehensive report that includes data, trends, analysis,

126 findings, and recommendations for state and local action

127 regarding ransomware incidents. At a minimum, the report must

128 include:

129   (a) A summary of recommendations by relevant national

130 entities on technology systems in state government, including,

131 but not limited to, artificial intelligence, cloud computing,

132 identity management, and financial technology.

133   (b) An assessment of the impact of using artificial

134 intelligence systems on the liberty, finances, livelihood, and

135 privacy interests of residents of this state.

136   (c) Recommended policies necessary to:

137   1. Protect the privacy interests of residents of this

138 state from any decrease in employment caused by artificial

139 intelligence systems.

140   2. Ensure that residents of this state are free from

141 unfair discrimination caused or compounded by the employment of

142 artificial intelligence systems.

143   3. Promote the development and deployment of artificial

144 intelligence systems in this state.

145   (d) Any other information the council considers relevant.

146   Section 2. Section 501.174, Florida Statutes, is created

147 to read:

148   501.174 Artificial intelligence transparency.—

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

150   (a) "Artificial intelligence" means software that is

151 developed with machine-learning, logic and knowledge-based, or
152 statistical approaches and can, for a given set of human-defined
153 objectives, generate or synthesize outputs such as content,
154 predictions, recommendations, or decisions influencing certain
155 environments.
156   (b)   "Department" means the Department of Legal Affairs.
157   (2)   An entity or person who produces or offers for use or
158 interaction artificial intelligence content or technology for a
159 commercial purpose, and makes such content or technology
160 available to the Florida public, must create safety and
161 transparency standards that:
162   (a)   Alert consumers that such content or technology is
163 generated by artificial intelligence.
164   (b)   Allow such content or technology to be recognizable as
165 generated by artificial intelligence to other artificial
166 intelligence.
167   (3)   If a natural person in this state is able to
168 communicate or interact with an entity or person for commercial
169 purposes through an artificial intelligence mechanism, such
170 entity or a person must provide a clear and conspicuous
171 statement on the entity's or person's Internet homepage or
172 landing page that such mechanism is generated by artificial
173 intelligence.
174   (4)   Any entity or person may not knowingly produce,
175 generate, incorporate, or synthesize through artificial

PCS for HB 1459

176 intelligence child pornography as defined in s. 775.0847.

177 (5) Any state agency as defined in s. 282.318(2) that uses

178 artificial intelligence must disclose if a person is interacting

179 with artificial intelligence when interacting with the agency

180 and ensure that any confidential information accessible to an

181 artificial intelligence system remains confidential.

182 (6)(a) Any violation of subsection (2), subsection (3), or

183 subsection (4) is an unfair and deceptive trade practice

184 actionable under part II of chapter 501 solely by the

185 department. If the department has reason to believe that a

186 violation of this section has occurred, the department, as the

187 enforcing authority, may bring an action for an unfair or

188 deceptive act or practice. For the purpose of bringing an action

189 pursuant to this section, ss. 501.211 and 501.212 do not apply.

190 In addition to other remedies under part II of chapter 501, the

191 department may collect a civil penalty of up to $50,000 per

192 violation of this section.

193 (b) This section does not establish a private cause of

194 action.

195 (7) For purposes of bringing an action pursuant to this

196 section, any entity or person who produces or uses artificial

197 intelligence that is distributed to or viewable by the public in

198 this state is considered to be both engaged in substantial and

199 not isolated activities within this state and operating,

200 conducting, engaging in, or carrying on a business, and doing

201 business in this state, and is therefore subject to the
202 jurisdiction of the courts of this state.
203   (8) The department may adopt rules to implement this
204 section.
205   Section 3. Paragraph (b) of subsection (1) of section
206 775.0847, Florida Statutes, is amended to read:
207   775.0847 Possession or promotion of certain images of
208 child pornography; reclassification.—
209   (1) For purposes of this section:
210   (b) "Child pornography" means:
211   1. Any image depicting a minor engaged in sexual conduct;
212 or
213   2. Any image that has been created, altered, adapted, or
214 modified by electronic, mechanical, or other means, to portray
215 an identifiable minor engaged in sexual conduct; or
216   3. Any image or presentation produced, generated,
217 incorporated, or synthesized through artificial intelligence as
218 defined in s. 501.174 that uses an image of an identifiable
219 minor to depict or portray a minor engaged in sexual conduct.
220
221 For purposes of sentencing under chapter 921 and determining
222 incentive gain-time eligibility under chapter 944, a felony
223 offense that is reclassified under this section is ranked one
224 level above the ranking under s. 921.0022 or s. 921.0023 of the
225 offense committed.

226   Section 4. Paragraph (b) of subsection (1) of section
227   827.071, Florida Statutes, is amended to read:
228   827.071 Sexual performance by a child; child pornography;
229   penalties.—
230   (1) As used in this section, the following definitions
231   shall apply:
232   (b) "Child pornography" means:
233   1. Any image depicting a minor engaged in sexual conduct;
234   ~~or~~
235   2. Any image that has been created, altered, adapted, or
236   modified by electronic, mechanical, or other means, to portray
237   an identifiable minor engaged in sexual conduct; or
238   3. Any image or presentation produced, generated,
239   incorporated, or synthesized through artificial intelligence as
240   defined in s. 501.174 that uses an image of an identifiable
241   minor to depict or portray a minor engaged in sexual conduct.
242   Section 5. This act shall take effect July 1, 2024.