

By Senator Bradley

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1                   A bill to be entitled  
2       An act relating to artificial intelligence  
3       transparency; creating s. 282.802, F.S.; creating the  
4       Government Technology Modernization Council within the  
5       Department of Management Services for a specified  
6       purpose; providing for council membership, meetings,  
7       and duties; requiring the council to submit specified  
8       reports to the Governor and Legislature; defining the  
9       term "state agency"; creating s. 501.174, F.S.;  
10      defining terms; requiring certain entities and persons  
11      to create safety and transparency standards for  
12      content generated by artificial intelligence;  
13      requiring disclosures for certain communications,  
14      interactions, images, likenesses, and content;  
15      providing that certain political advertisements are  
16      subject to specified requirements and enforcement;  
17      prohibiting the use of artificial intelligence in the  
18      creation of obscene material under certain conditions;  
19      providing applicability; requiring certain state  
20      agencies to provide certain disclosures; authorizing  
21      the Department of Legal Affairs to bring an action for  
22      violations under the Florida Deceptive and Unfair  
23      Trade Practices Act; providing civil penalties;  
24      providing that the act does not establish private  
25      causes of action; providing that certain entities and  
26      persons are subject to the jurisdiction of state  
27      courts; authorizing the department to adopt rules;  
28      providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 282.802, Florida Statutes, is created to  
33 read:

34 282.802 Government Technology Modernization Council.-

35 (1) The Florida Government Technology Modernization  
36 Council, an advisory council as defined in s. 20.03(7), is  
37 created within the department. Except as otherwise provided in  
38 this section, the advisory council shall operate in a manner  
39 consistent with s. 20.052.

40 (2) The purpose of the council is to study and monitor the  
41 development and deployment of artificial intelligence systems  
42 and provide reports on such systems to the Governor and the  
43 Legislature.

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

46 (a) The Lieutenant Governor or his or her designee.

47 (b) The state chief information officer.

48 (c) The Surgeon General of the Department of Health or his  
49 or her designee.

50 (d) The Secretary of the Agency for Health Care  
51 Administration or his or her designee.

52 (e) A representative of the computer crime center of the  
53 Department of Law Enforcement, appointed by the executive  
54 director of the Department of Law Enforcement.

55 (f) The Chief Inspector General.

56 (g) Twelve representatives from institutions of higher  
57 education located in this state or the private sector with  
58 senior level experience or expertise in artificial intelligence,

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59 cloud systems, identity management, data science, and machine  
60 learning, with six appointed by the Governor, three appointed by  
61 the President of the Senate, and three appointed by the Speaker  
62 of the House of Representatives.

63 (h) One member of the Senate, appointed by the President of  
64 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 a term of 4 years; however, for  
69 the purpose of providing staggered terms, the initial  
70 appointments of members made by the Governor shall be for a term  
71 of 2 years. A vacancy shall be filled for the remainder of the  
72 unexpired term in the same manner as the initial appointment.  
73 All members of the council are eligible for reappointment.

74 (5) The Secretary of Management Services, or his or her  
75 designee, shall serve as the ex officio, nonvoting executive  
76 director of the council.

77 (6) Members of the council shall serve without compensation  
78 but are entitled to receive reimbursement for per diem and  
79 travel expenses pursuant to s. 112.061.

80 (7) Members of the council shall maintain the confidential  
81 or exempt status of information received in the performance of  
82 their duties and responsibilities as members of the council. In  
83 accordance with s. 112.313, a current or former member of the  
84 council may not disclose or use information not available to the  
85 general public and gained by reason of his or her official  
86 position, except for information relating exclusively to  
87 governmental practices, for his or her personal gain or benefit

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88 or for the personal gain or benefit of any other person or  
89 business entity. Members must sign an agreement acknowledging  
90 the provisions of this subsection.

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

92 (a) Assess and provide guidance on necessary legislative  
93 reforms and the creation of a state code of ethics for  
94 artificial intelligence systems in state government.

95 (b) Assess the effect of automated decision systems on  
96 constitutional and other legal rights, duties, and privileges of  
97 residents of this state.

98 (c) Study the potential benefits, liabilities, and risks  
99 that the state, residents of this state, and businesses may  
100 incur as a result of implementing automated decision systems.

101 (d) Recommend legislative and administrative actions that  
102 the Legislature and state agencies may take to promote the  
103 development of artificial intelligence systems in this state.

104 (e) Assess where artificial intelligence is deployed today.

105 (f) Assess what artificial intelligence is currently  
106 capable of, and the recent developments, including the  
107 application of artificial intelligence in manufacturing, mining,  
108 farming, and logistics.

109 (g) Evaluate common standards for artificial intelligence  
110 safety and security measures.

111 (h) Discuss the future of artificial intelligence and the  
112 ways it could develop over the next decade, including the  
113 application of artificial intelligence to manufacturing, mining,  
114 farming, and logistics.

115 (i) Assess the ways governmental entities and the private  
116 sector are utilizing artificial intelligence.

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117 (j) Determine the ways artificial intelligence is being  
118 exploited by bad actors, including foreign countries of concern  
119 as defined in s. 287.138.

120 (9) By June 30, 2025, and each June 30 thereafter, the  
121 council shall submit to the President of the Senate and the  
122 Speaker of the House of Representatives any legislative  
123 recommendations considered necessary by the council to address  
124 artificial intelligence.

125 (10) By December 1, 2024, and each December 1 thereafter,  
126 the council shall submit to the Governor, the President of the  
127 Senate, and the Speaker of the House of Representatives a  
128 comprehensive report that includes data, trends, analysis,  
129 findings, and recommendations for state and local action  
130 regarding ransomware incidents. At a minimum, the report must  
131 include:

132 (a) A summary of recommendations by relevant national  
133 entities on artificial intelligence systems in state government.

134 (b) An assessment of the impact of using artificial  
135 intelligence systems on the liberty, finances, livelihood, and  
136 privacy interests of the residents of this state.

137 (c) Recommended policies necessary to:

138 1. Protect the privacy and interests of residents of this  
139 state from any decrease in employment caused by artificial  
140 intelligence systems.

141 2. Ensure that residents of this state are free from unfair  
142 discrimination caused or compounded by the use of artificial  
143 intelligence systems.

144 3. Promote the development and deployment of artificial  
145 intelligence systems in this state.

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

147 (11) For purposes of this section, the term "state agency"  
148 has the same meaning as in s. 282.318(2).

149 Section 2. Section 501.174, Florida Statutes, is created to  
150 read:

151 501.174 Artificial intelligence transparency.—

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

153 (a) "Artificial intelligence" means software developed with  
154 machine-learning, logic-based and knowledge-based, or  
155 statistical approaches, which can, for a given set of human-  
156 defined objectives, generate outputs such as content,  
157 predictions, recommendations, or decisions influencing certain  
158 environments.

159 (b) "Department" means the Department of Legal Affairs.

160 (2) A for-profit entity or a person who produces or uses  
161 artificial intelligence and makes such artificial intelligence  
162 content available to the Florida public must create safety and  
163 transparency standards, including, but not limited to, the use  
164 of watermarks, to make it clear and conspicuous to consumers  
165 when content is generated by artificial intelligence.

166 (3) An entity or a person who uses artificial intelligence  
167 must provide a clear and conspicuous disclosure statement:

168 (a) When an individual in this state is communicating or  
169 interacting with the entity or person through an artificial  
170 intelligence mechanism.

171 (b) If a political advertisement uses an image, a likeness,  
172 or content that has been generated by artificial intelligence  
173 and synthetically or digitally manipulated to convincingly  
174 portray a person as another person or as doing or saying

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175 something that was not actually done or said. Any such  
176 advertisement is subject to requirements and enforcement actions  
177 set forth by the Florida Elections Commission.

178 (4) Artificial intelligence may not be used in the creation  
179 of obscene material if:

180 (a) The image or information of a minor is used.

181 (b) The biometric information of an identifiable minor is  
182 used.

183 (c) The material is created by a person who must register  
184 as a sexual predator under s. 775.21(6).

185 (5) This section does not apply to:

186 (a) Use of an image or a likeness for artificial  
187 intelligence training purposes as long as the image or likeness  
188 is not distributed to or viewable by the public.

189 (b) A person who does not have a legal expectation of  
190 privacy as long as disclosure is provided pursuant to subsection  
191 (3).

192 (6) A state agency as defined in s. 282.318(2) that uses  
193 artificial intelligence shall disclose such use to a person who  
194 is interacting with the agency through artificial intelligence  
195 and ensure that any confidential information accessible to an  
196 artificial intelligence system remains confidential.

197 (7) (a) A violation of subsection (2), subsection (3),  
198 subsection (4), or subsection (5) is an unfair and deceptive  
199 trade practice actionable solely by the department under part II  
200 of this chapter. If the department has reason to believe that a  
201 violation of this section has occurred, the department, as the  
202 enforcing authority, may bring an action for an unfair or  
203 deceptive act or practice. For the purpose of bringing an action

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204 pursuant to this section, ss. 501.211 and 501.212 do not apply.  
205 In addition to other remedies under part II of this chapter, the  
206 department may collect a civil penalty of up to \$50,000 per  
207 violation of this section.

208 (b) This section does not establish a private cause of  
209 action.

210 (8) For purposes of bringing an action pursuant to this  
211 section, any entity or person who produces or uses artificial  
212 intelligence that is distributed to or viewable by the public in  
213 this state is considered to be both engaged in substantial and  
214 not isolated activities within this state and operating,  
215 conducting, engaging in, or carrying on a business, and doing  
216 business in this state, and is therefore subject to the  
217 jurisdiction of the courts of this state.

218 (9) The department may adopt rules to implement this  
219 section.

220 Section 3. This act shall take effect July 1, 2024.