

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

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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
 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.