

DRAFT BILL TEXT

Florida Responsible Artificial Intelligence & Human Identity Protection Act

Section 1. Title

This act shall be known as the “**Florida Responsible Artificial Intelligence & Human Identity Protection Act.**”

Section 2. Legislative Findings and Intent

The Legislature finds that:

1. Artificial intelligence systems present varying levels of risk to public safety, civil rights, privacy, and human dignity.
2. Individuals possess an inherent right to control the use of their **face, voice, likeness, biometric identity, and digital representation.**
3. Malicious deepfakes and unauthorized biometric harvesting threaten Floridians’ safety, reputations, and democratic processes.
4. The United States lacks a comprehensive federal AI regulatory framework; therefore, Florida must act to protect its residents while urging Congress to adopt national and international standards.
5. Florida seeks to align with global best practices, including the **EU Artificial Intelligence Act**, the **Dutch identity-rights proposal**, and the **Rome Call for AI Ethics**, to ensure AI serves the common good.

It is the intent of the Legislature to establish a **risk-based regulatory framework**, protect personal identity rights, and promote responsible innovation.

Section 3. Definitions

As used in this act:

- “**Artificial Intelligence System**” means a machine-based system designed to operate with varying levels of autonomy that can generate outputs such as predictions, recommendations, or decisions.
- “**High-Risk AI System**” means an AI system that may significantly impact health, safety, civil rights, or access to essential services.

- **“Biometric Data”** means data relating to physical, physiological, or behavioral characteristics allowing unique identification, including facial images, voiceprints, gait, and iris patterns.
 - **“Digital Likeness”** means any digital, synthetic, or AI-generated representation of a person’s face, voice, body, or identity.
 - **“Deepfake”** means any synthetic media in which a person’s likeness or voice is replaced, altered, or manipulated using AI.
 - **“Commission”** means the Florida Artificial Intelligence Oversight & Ethics Commission created under this act.
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PART I — FLORIDA ARTIFICIAL INTELLIGENCE OVERSIGHT & ETHICS COMMISSION

Section 4. Establishment of the Commission

There is created the **Florida Artificial Intelligence Oversight & Ethics Commission**, an independent commission assigned to the Department of Management Services for administrative support only.

The Commission shall exercise its powers **independently**, including rulemaking, enforcement, and oversight.

Section 5. Membership

The Commission shall consist of **11 members** appointed as follows:

- Governor — 4 members
- Chief Financial Officer — 2 members
- Attorney General — 2 members
- President of the Senate — 1 member
- Speaker of the House — 1 member
- Chief Justice of the Florida Supreme Court — 1 member

Qualifications

Members must collectively represent expertise in:

- Artificial intelligence or machine learning
- Cybersecurity or data protection
- Ethics, philosophy, or theology
- Civil rights or constitutional law

- Healthcare or mental health
- Education and workforce development
- Consumer protection
- International cooperation
- Lived experience with AI-related harm

Terms

- Members serve **4-year staggered terms**
- No more than **two consecutive terms**
- Removal only for malfeasance, neglect of duty, incompetence, or permanent inability to serve

Safeguards

- No more than **five members** may belong to the same political party
- Strict conflict-of-interest rules apply
- All meetings are subject to the **Sunshine Law**

Section 6. Rulemaking Authority

The Commission is granted **full rulemaking authority** under chapter 120, Florida Statutes, to:

- Define and update categories of high-risk AI
- Establish safety, transparency, and accountability standards
- Regulate biometric data and digital likeness protections
- Create audit, certification, and compliance procedures
- Establish enforcement mechanisms and penalties
- Issue emergency rules when necessary to protect public safety

Section 7. Powers and Duties

The Commission shall:

A. Regulate High-Risk AI

- Maintain a **Florida High-Risk AI Registry**
- Approve or deny high-risk AI deployments in state agencies

- Conduct algorithmic impact assessments
- Require human oversight and fail-safe mechanisms
- Enforce prohibitions on manipulative or discriminatory AI

B. Protect Identity & Likeness Rights

- Enforce exclusive rights to one's face, voice, and biometric identity
- Investigate unauthorized deepfakes and digital replicas
- Issue takedown orders and civil penalties
- Protect biometric data from unauthorized collection or sale

C. International Cooperation

- Engage with the EU, UNESCO, OECD, and Rome Call for AI Ethics
- Participate in global AI governance forums
- Issue annual recommendations to Congress
- Promote norms of human dignity, transparency, and non-discrimination

D. Enforcement

The Commission may:

- Issue subpoenas
- Levy administrative fines
- Refer criminal violations
- Issue cease-and-desist orders
- Require corrective action plans

PART II — RISK-BASED AI REGULATION**Section 8. Prohibited AI Practices**

The following are prohibited in Florida:

1. AI systems that manipulate human behavior to cause harm
2. Social-scoring systems by government or private entities
3. Biometric categorization based on race, religion, sexual orientation, or immigration status
4. Unauthorized scraping of biometric data from public spaces

5. Real-time facial recognition by law enforcement without a judicial warrant

Section 9. High-Risk AI Systems

Entities deploying high-risk AI must:

- Register the system with the Commission
- Conduct a risk assessment and impact analysis
- Maintain human oversight
- Provide transparency to affected individuals
- Undergo annual audits

High-risk categories include:

- Healthcare diagnostics
 - Employment and hiring systems
 - Education and testing
 - Critical infrastructure
 - Law enforcement tools
 - Immigration-related decision systems
 - Financial services and credit scoring
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Section 10. Limited-Risk AI

Limited-risk AI systems must:

- Disclose AI use to consumers
 - Watermark synthetic media
 - Label AI-generated political content
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PART III — IDENTITY & LIKENESS PROTECTIONS

Section 11. Personal Identity Copyright

Every Florida resident holds **exclusive rights** to:

- Their face
- Their voice

- Their body shape
- Their biometric signature
- Their digital likeness

These rights include:

- The right to license or refuse use
 - The right to compensation for unauthorized commercial use
 - The right to demand removal of unauthorized digital replicas
 - The right to sue for damages, including statutory damages
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Section 12. Civil Penalties

Unauthorized use of a person's biometric identity or digital likeness is subject to:

- Civil penalties up to **\$50,000 per violation**
 - Statutory damages of **\$10,000 per unauthorized use**
 - Attorney's fees and injunctive relief
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PART IV — CRIMINAL OFFENSES

Section 13. Malicious Deepfake Offenses

A person commits the offense of **Malicious Use of Synthetic Media** if they knowingly create, distribute, or promote a deepfake:

1. For the purpose of fraud, extortion, or financial gain
2. To influence an election or interfere with democratic processes
3. To depict a person in sexual content without consent
4. To defame, harass, or threaten a person
5. To impersonate a public official or law enforcement officer

Penalties

- **Third-degree felony** (up to 5 years imprisonment)
 - **Second-degree felony** if involving minors, elections, or sexual exploitation
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Section 14. Biometric Identity Theft

A person commits **Biometric Identity Theft** if they knowingly:

- Collect, store, sell, or transfer biometric data without consent
- Use biometric data to impersonate another person
- Create or deploy an unauthorized digital likeness

Penalties

- **Third-degree felony**
- **Second-degree felony** if used to commit fraud, obtain benefits, or access secure systems

PART V — IMPLEMENTATION

Section 15. Appropriations

The Legislature shall appropriate funds necessary for the Commission to carry out its duties.

Section 16. Effective Date

This act shall take effect **July 1, 2027**.
