



April 15, 2025

The Honorable James Buchanan  
Chair  
House Committee on Commerce  
Room 214, House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399-1300

**Re: Oppose CS/CS/HB 369 - Provenance of Digital Content**

Dear Chair Buchanan and Members of the committee,

On behalf of the Chamber of Progress, a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological advances, **I urge you to oppose CS/CS/HB 369, as the bill would hinder innovation in Florida.**

**HB 369 should hold individuals who create generative-AI materials accountable**

Ensuring a safe information ecosystem is critical, and digital provenance tools may benefit the public. We commend the author for introducing legislation on this important issue and being responsive to thoughtful input from stakeholders. However, this bill targets online platforms and thus stands to stifle innovation and free expression.

For example, in a scenario where an artist uses generative-AI to create a digital portrait that is indistinguishable from an actual photograph, the responsibility for attaching provenance data should be placed on the artist to preserve both their creative freedom and the integrity of their work. However, if the responsibility shifts to online platforms hosting the image as outlined in Section 1 (501.9741)(1)(h)(2)(i)(2), it may lead to delays in content sharing, errors in identifying generative-AI work, and potential over-censorship. As a result, platforms will become less hospitable for innovative projects and artistic expression, limiting the diversity of content available and discouraging users from sharing creative works.

A better approach is to hold individuals responsible for the creation of generative-AI materials, particularly instances like unauthorized deepfakes, which depict individuals without their consent. This approach ensures direct accountability for the creation and

digital provenance of generative-AI content while fostering a safe and responsible digital landscape.

### **Social platforms deserve a safe harbor**

Section 1 (501.9741)(4) mandates platforms to “retain all available provenance data” for content uploaded to or posted on their services. When a user uploads an image or video to a social media platform, the platform may perform a number of backend transformations to make it accessible to users globally - that may include reducing the file size for users with limited bandwidth, for example.

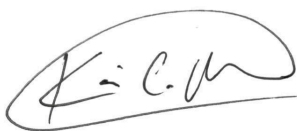
In other words, the preservation requirements in HB 369 risk interrupting the normal business operations of platforms. The bill should, at a minimum, include language clarifying that the ordinary processing of uploaded content would not violate HB 369.

### **HB 369 should ensure flexibility in how provenance data is implemented**

The technology surrounding provenance data is evolving rapidly, and imposing overly prescriptive requirements could limit future innovation. It is essential that the bill allows flexibility in how provenance data is applied. Different tools and technologies will emerge, and being too rigid could hinder innovation. Policymakers should ensure the bill remains adaptable so new solutions can be integrated as the field develops.

**Accordingly, we urge you to oppose CS/CS/HB 369.**

Sincerely,

A handwritten signature in black ink, appearing to read "K. Marshall", enclosed within a hand-drawn oval.

Kouri Marshall  
Director of State & Local Public Policy, Central/Southern Region  
[www.progresschamber.org](http://www.progresschamber.org)