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A bill to be entitled
 An act relating to strategic lawsuits against public participation; amending s. 768.295, F.S.; expanding application of strategic lawsuits against public participation provisions to any person or entity; providing penalties; providing for revoking or rescinding certain licenses or permits under certain circumstances; providing an effective date.

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

Section 1. Section 768.295, Florida Statutes, is amended to read:

768.295 Strategic Lawsuits Against Public Participation (SLAPP) suits ~~by governmental entities~~ prohibited.--

(1) This section may be cited as the "Citizen Participation in Government Act."

(2) It is the intent of the Legislature to protect the right of Florida's citizens to exercise their rights to peacefully assemble, instruct their representatives, and petition for redress of grievances before the various governmental entities of this state as protected by the First Amendment to the United States Constitution and s. 5, Art. I of the State Constitution. The Legislature recognizes that "Strategic Lawsuits Against Public Participation" or "SLAPP" suits, as they are typically called, have increased over the last 30 years and are mostly filed by private industry and individuals. However, it is the public policy of this state that government entities not engage in SLAPP suits because such actions are inconsistent with the right of individuals to



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31 participate in the state's institutions of government.

32 Therefore, the Legislature finds and declares that prohibiting
33 such lawsuits ~~by governmental entities~~ will preserve this
34 fundamental state policy, preserve the constitutional rights of
35 Florida citizens, and assure the continuation of representative
36 government in this state. It is the intent of the Legislature
37 that such lawsuits be expeditiously disposed of by the courts.

38 ~~(3) As used in this section, "governmental entity" or~~
39 ~~"government entity" means the state, including the executive,~~
40 ~~legislative, and the judicial branches of government and the~~
41 ~~independent establishments of the state, counties,~~
42 ~~municipalities, corporations primarily acting as~~
43 ~~instrumentalities of the state, counties, or municipalities,~~
44 ~~districts, authorities, boards, commissions, or any agencies~~
45 ~~thereof.~~

46 (3)(4) No person or entity ~~governmental entity~~ in this
47 state shall file or cause to be filed, through its employees or
48 agents, any lawsuit, cause of action, claim, cross-claim, or
49 counterclaim against another a person or entity without merit
50 and solely because the sued ~~such~~ person or entity has exercised
51 the right to peacefully assemble, the right to instruct
52 representatives, and the right to petition for redress of
53 grievances ~~before the various governmental entities of this~~
54 ~~state~~, as protected by the First Amendment to the United States
55 Constitution and s. 5, Art. I of the State Constitution.

56 (4)(5) A person or entity sued by another person or a
57 ~~governmental~~ entity in violation of this section has a right to
58 an expeditious resolution of a claim that the suit is in
59 violation of this section. A person or entity sued by another
60 person or entity in violation of this section may petition the



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61 court for an order dismissing the action or granting final
62 judgment in favor of the petitioner ~~that person or entity~~. The
63 petitioner may file a motion for summary judgment, together with
64 supplemental affidavits, seeking a determination that the
65 ~~governmental entity's~~ lawsuit has been brought in violation of
66 this section. The person or ~~governmental~~ entity filing the suit
67 shall thereafter file its response and any supplemental
68 affidavits. As soon as practicable, the court shall set a
69 hearing on the petitioner's motion, which shall be held at the
70 earliest possible time after the filing of the suing
71 ~~governmental~~ entity's response. The court may award, subject to
72 the limitations in s. 768.28 in the case of a governmental
73 entity only, the petitioner's ~~party~~ ~~sued by a governmental~~
74 ~~entity~~ actual damages arising from the suing person's or
75 ~~governmental~~ entity's violation of this act. The court shall
76 award the prevailing party reasonable attorney's fees and costs
77 incurred in connection with a claim that an action was filed in
78 violation of this section. If a person or entity files a suit in
79 violation of this section and such person or entity holds a
80 license or permit that is related to the activities of the
81 person or entity and the cause of action in the suit and the
82 petitioner prevails on the motion to order dismissal of the
83 action or grant final judgment, the court shall include in the
84 order that such license or permit be revoked or rescinded.

85 (5)~~(6)~~ In any case filed by a governmental entity which is
86 found by a court to be in violation of this section, the
87 governmental entity shall report such finding and provide a copy
88 of the court's order to the Attorney General no later than 30
89 days after such order is final. The Attorney General shall
90 report any violation of this section by a governmental entity to



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91 the Cabinet, the President of the Senate, and the Speaker of the
92 House of Representatives. A copy of such report shall be
93 provided to the affected governmental entity. As used in this
94 subsection, "governmental entity" means the state, including the
95 executive, legislative, and the judicial branches of government
96 and the independent establishments of the state, counties,
97 municipalities, corporations primarily acting as
98 instrumentalities of the state, counties, or municipalities,
99 districts, authorities, boards, commissions, or any agencies
100 thereof.

101 Section 2. This act shall take effect upon becoming a law.