

Bill No. SB 1346

Barcode 614502

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Aronberg) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 770.09, Florida Statutes, is created to read:

770.09 Publicity placing a person in a false light.--

(1) A person may not be held liable for publishing a matter concerning an individual which places that individual before the public in a false light, unless:

(a) The false light in which the individual was placed would be highly offensive to a reasonable person; and

(b) The person making the publication acted knowingly or in reckless disregard as to the false light in which the individual would be placed.

(2) A person may bring a civil action under this section to recover damages sustained by reason of the false light in which he or she was placed, except that ss. 770.01

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1 and 770.02 apply to all actions under this section.

2 (3) In any action under this section, the person  
3 bringing the action has the burden to plead and prove the  
4 elements set forth in subsection (1) and that the publication  
5 at issue was the legal cause of the loss, injury, or damage.

6 (4) A cause of action for damages founded upon a  
7 single publication as described in this section accrues at the  
8 time of the first publication or exhibition or utterance  
9 thereof in this state. A judgment in any jurisdiction for or  
10 against the plaintiff upon the substantive merits of any  
11 action for damages founded upon a single publication as  
12 described in this section bars any other action for damages by  
13 the same plaintiff against the same defendant founded upon the  
14 same publication.

15 (5) An action may not be brought or maintained under  
16 this section by, or on behalf of, a person who is deceased.

17 Section 2. Paragraph (h) is added to subsection (4) of  
18 section 95.11, Florida Statutes, to read:

19 95.11 Limitations other than for the recovery of real  
20 property.--Actions other than for recovery of real property  
21 shall be commenced as follows:

22 (4) WITHIN TWO YEARS.--

23 (h) An action for publicity placing a person in a  
24 false light pursuant to s. 770.09.

25 Section 3. The provisions of this act are remedial and  
26 it is the intent of the Legislature that, to the extent  
27 permitted by law, this act shall apply retroactively.

28 Section 4. This act shall take effect July 1, 2006.

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to actions involving free  
8           speech or defamation; creating s. 770.09, F.S.;  
9           providing criteria for liability for publishing  
10          a matter concerning an individual which places  
11          that individual before the public in a false  
12          light; providing for a civil action to recover  
13          damages; requiring that the person bringing the  
14          action plead and prove the elements of the  
15          claim; amending s. 95.11, F.S.; limiting the  
16          period in which to commence an action;  
17          providing that the act is remedial and that the  
18          Legislature intends that the act apply  
19          retroactively; providing an effective date.

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