



1           (c) The person making the publication acted knowingly  
2 or in reckless disregard as to the falsity of the fact  
3 publicized; and

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

7           (2) A person may bring a civil action under this  
8 section to recover damages sustained by reason of the false  
9 light in which he or she was placed, except that ss. 770.01  
10 and 770.02 apply to all actions under this section.

11           (3) In any action under this section, the person  
12 bringing the action has the burden to plead and prove by clear  
13 and convincing evidence the elements set forth in subsection  
14 (1).

15           (4) A publication that is privileged or otherwise  
16 protected from liability under the common law of defamation,  
17 the First Amendment to the United States Constitution, or s.  
18 4, Art. I of the State Constitution is not subject to  
19 liability under this section.

20           (5) An action may not be brought or maintained under  
21 this section if a claim based upon the same published fact or  
22 facts is, or could be, brought under the common law of  
23 defamation.

24           (6) A cause of action for damages founded upon a  
25 single publication as described in this section accrues at the  
26 time of the first publication or exhibition or utterance  
27 thereof in this state. A judgment in any jurisdiction for or  
28 against the plaintiff upon the substantive merits of any  
29 action for damages founded upon a single publication as  
30 described in this section bars any other action for damages by  
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1 the same plaintiff against the same defendant founded upon the  
2 same publication.

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

5 (8) An action under this section must be commenced  
6 within 2 years after the first publication of the matter that  
7 forms the basis of the claim.

8 (9) It is the expressed intent of the Legislature that  
9 this section applies retroactively.

10 Section 2. This act shall take effect July 1, 2006.

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13 SENATE SUMMARY

14 Clarifies criteria for liability for publishing a matter  
15 concerning an individual which places that individual  
16 before the public in a false light. Provides for a civil  
17 action to recover damages. Requires that the person  
18 bringing the action plead and prove by clear and  
19 convincing evidence the elements of the claim. Provides  
20 that certain privileged publications are not subject to  
21 claims of liability under the act. Limits the period in  
22 which to commence an action. Provides that the  
23 Legislature intends this act to have a retroactive  
24 application.

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