

1 A bill to be entitled
 2 An act relating to actions involving freedom of speech and
 3 press; creating s. 770.09, F.S.; providing that the false
 4 light invasion of privacy cause of action is not
 5 recognized in Florida; providing an effective date.

6
 7 WHEREAS, the Legislature finds that the tort of false light
 8 invasion of privacy lacks clarity as to the wrongful conduct it
 9 seeks to prevent and for which it provides recompense, and

10 WHEREAS, the Supreme Court of Florida has never directly
 11 held that a cause of action based on false light invasion of
 12 privacy is cognizable in the Florida courts and has never
 13 endorsed the validity of a cause of action for invasion of
 14 privacy based on a false light theory, and

15 WHEREAS, the Legislature believes that clarity and
 16 certainty of tort law serves an important social function and
 17 desires to provide clarity to the law of defamation and invasion
 18 of privacy and to avoid duplicative actions governed by
 19 disparate constitutional standards, and

20 WHEREAS, the Legislature finds that there is substantial
 21 overlap between the tort of defamation and the tort of false
 22 light invasion of privacy and that the interests protected and
 23 conduct averted by the tort of false light invasion of privacy
 24 are adequately addressed by the right of action provided
 25 pursuant to the law of defamation, and

26 WHEREAS, the people of Florida are concerned with the
 27 freedoms of speech and press embodied in the United States

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28 | Constitution, the Florida Constitution, and the common law of
 29 | Florida, and

30 |
 31 | WHEREAS, the Legislature believes that, in general, the
 32 | suppression of speech and press is injurious to the people of
 33 | Florida and must be reduced, and

34 | WHEREAS, the Legislature finds that there is in Florida
 35 | abundant abuse of the tort of false light invasion of privacy in
 36 | order to circumvent the constitutional safeguards applicable in
 37 | defamation actions, and

38 | WHEREAS, it is the sense of the Legislature that if the
 39 | present abuse is not abated fundamental tenets of free speech
 40 | and press will be circumvented and these freedoms suppressed,
 41 | and

42 | WHEREAS, the Legislature finds that there is an
 43 | overpowering public necessity for abolition of the false light
 44 | tort and that no alternative method of meeting such public
 45 | necessity exists or can be shown, and

46 | WHEREAS, the magnitude of this problem demands immediate
 47 | and dramatic legislative action, NOW, THEREFORE,

48 |
 49 | Be It Enacted by the Legislature of the State of Florida:

50 |
 51 | Section 1. Section 770.09, Florida Statutes, is created to
 52 | read:

53 | 770.09 Publicity placing a person in a false light.--A
 54 | cause of action for invasion of privacy based on publicity

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55 | placing a person in a false light is not recognized in this
56 | state.

57 | Section 2. This act shall take effect July 1, 2007.