

By Senator Gaetz

4-1419-07

See HB

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A bill to be entitled

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

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

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

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

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

WHEREAS, the people of Florida are concerned with the freedoms of speech and press embodied in the United States Constitution, the Florida Constitution, and the common law of Florida, and

1 WHEREAS, the Legislature believes that, in general, the
2 suppression of speech and press is injurious to the people of
3 Florida and must be reduced, and

4 WHEREAS, the Legislature finds that there is in Florida
5 abundant abuse of the tort of false light invasion of privacy
6 in order to circumvent the constitutional safeguards
7 applicable in defamation actions, and

8 WHEREAS, it is the sense of the Legislature that if the
9 present abuse is not abated fundamental tenets of free speech
10 and press will be circumvented and these freedoms suppressed,
11 and

12 WHEREAS, the Legislature finds that there is an
13 overpowering public necessity for abolition of the false light
14 tort and that no alternative method of meeting such public
15 necessity exists or can be shown, and

16 WHEREAS, the magnitude of this problem demands
17 immediate and dramatic legislative action, NOW, THEREFORE,

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

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

23 770.09 Publicity placing a person in a false light.--A
24 cause of action for invasion of privacy based on publicity
25 placing a person in a false light is not recognized in this
26 state.

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