

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Moskowitz offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

8 768.295 Strategic Lawsuits Against Public Participation
 9 (SLAPP) ~~suits by governmental entities~~ prohibited.—

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

12 ~~(2)~~ It is the intent of the Legislature to protect the
 13 right in Florida ~~of Florida's citizens~~ to exercise the their
 14 rights of free speech in connection with public issues, and the
 15 rights to peacefully assemble, instruct ~~their~~ representatives,
 16 and petition for redress of grievances before the various
 17 governmental entities of this state as protected by the First

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18 Amendment to the United States Constitution and s. 5, Art. I of
19 the State Constitution. ~~The Legislature recognizes that~~
20 ~~"Strategic Lawsuits Against Public Participation" or "SLAPP"~~
21 ~~suits, as they are typically called, have increased over the~~
22 ~~last 30 years and are mostly filed by private industry and~~
23 ~~individuals. However,~~ It is the public policy of this state that
24 a person or governmental entity ~~government entities~~ not engage
25 in SLAPP suits because such actions are inconsistent with the
26 right of persons ~~individuals~~ to exercise their constitutional
27 rights of free speech in connection with public issues
28 ~~participate in the state's institutions of government.~~
29 Therefore, the Legislature finds and declares that prohibiting
30 such lawsuits as herein described ~~by governmental entities~~ will
31 preserve this fundamental state policy, preserve the
32 constitutional rights of persons in Florida ~~citizens~~, and assure
33 the continuation of representative government in this state. It
34 is the intent of the Legislature that such lawsuits be
35 expeditiously disposed of by the courts.

36 ~~(2)(3)~~ As used in this section, the phrase or term:

37 (a) "Free speech in connection with public issues" means
38 any written or oral statement that is protected under applicable
39 law and is made before a governmental entity in connection with
40 an issue under consideration or review by a governmental entity,
41 or is made in or in connection with a play, movie, television
42 program, radio broadcast, audiovisual work, book, magazine
43 article, musical work, news report, or other similar work.

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44 (b) "Governmental entity" or "government entity" means the
45 state, including the executive, legislative, and the judicial
46 branches of government and the independent establishments of the
47 state, counties, municipalities, corporations primarily acting
48 as instrumentalities of the state, counties, or municipalities,
49 districts, authorities, boards, commissions, or any agencies
50 thereof.

51 (3)~~(4)~~ A person or ~~No~~ governmental entity in this state
52 may not shall file or cause to be filed, through its employees
53 or agents, any lawsuit, cause of action, claim, cross-claim, or
54 counterclaim against another ~~a~~ person or entity without merit
55 and primarily ~~solely~~ because such person or entity has exercised
56 the constitutional right of free speech in connection with a
57 public issue, or right to peacefully assemble, ~~the right~~ to
58 instruct representatives of government, or ~~and the right~~ to
59 petition for redress of grievances before the various
60 governmental entities of this state, as protected by the First
61 Amendment to the United States Constitution and s. 5, Art. I of
62 the State Constitution.

63 (4)~~(5)~~ A person or entity sued by a governmental entity or
64 another person in violation of this section has a right to an
65 expeditious resolution of a claim that the suit is in violation
66 of this section. A person or entity may move ~~petition~~ the court
67 for an order dismissing the action or granting final judgment in
68 favor of that person or entity. The person or entity ~~petitioner~~
69 may file a motion for summary judgment, together with

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70 supplemental affidavits, seeking a determination that the
71 claimant's or governmental entity's lawsuit has been brought in
72 violation of this section. The claimant or governmental entity
73 shall thereafter file a its response and any supplemental
74 affidavits. As soon as practicable, the court shall set a
75 hearing on the ~~petitioner's~~ motion, which shall be held at the
76 earliest possible time after the filing of the claimant's or
77 governmental entity's response. The court may award, subject to
78 the limitations in s. 768.28, the party sued by a governmental
79 entity actual damages arising from a ~~the~~ governmental entity's
80 violation of this section ~~act~~. The court shall award the
81 prevailing party reasonable attorney ~~attorney's~~ fees and costs
82 incurred in connection with a claim that an action was filed in
83 violation of this section.

84 ~~(5)-(6)~~ In any case filed by a governmental entity which is
85 found by a court to be in violation of this section, the
86 governmental entity shall report such finding and provide a copy
87 of the court's order to the Attorney General no later than 30
88 days after such order is final. The Attorney General shall
89 report any violation of this section by a governmental entity to
90 the Cabinet, the President of the Senate, and the Speaker of the
91 House of Representatives. A copy of such report shall be
92 provided to the affected governmental entity.

93 Section 2. This act shall take effect July 1, 2015.

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96 **T I T L E A M E N D M E N T**

97 Remove everything before the enacting clause and insert:

98 An act relating to strategic lawsuits against public

99 participation; amending s. 768.295, F.S.; removing a short

100 title; providing that legislative intent includes the protection

101 of specified forms of free speech; defining the phrase "free

102 speech in connection with public issues"; conforming provisions

103 to changes made by the act; providing an effective date.