

26 (2) New York Times Co. v. Sullivan, 376 U.S. 254 (1964),
27 and its progeny have federalized major aspects of defamation
28 law, notwithstanding the United States Supreme Court's pre-1964
29 precedents and historical understanding to the contrary, and
30 foreclosed many meritorious defamation claims to the detriment
31 of citizens of all walks of life.

32 (3) The federalization of defamation law, including the
33 judicially created actual malice standard, bears no relation to
34 the text, structure, or history of the First Amendment to the
35 United States Constitution.

36 (4) The federalization of defamation law fails to
37 acknowledge that defamatory falsehoods are equally injurious to
38 plaintiffs regardless of whether they are public officials,
39 public figures, or private figures, and regardless of whether
40 the alleged defamatory falsehoods relate to matters of official
41 conduct or of private concern.

42 (5) The federalization of defamation law interferes with
43 the ability of the states to update their defamation laws in
44 response to societal changes, including the widespread
45 proliferation of defamatory falsehoods via new technologies and
46 the ever-diminishing investigation and reporting standards of
47 publishers.

48 (6) The federalization of defamation law has further
49 fostered an environment in which defamatory falsehoods are
50 routinely published without fear of consequence, but truthful

51 speech is often self-censored for fear of being tarnished
52 without an adequate remedy at law.

53 (7) The United States Supreme Court should therefore
54 reassess its post-1964 understanding of defamation law and,
55 consistent with our nation's system of federalism, return to the
56 states the authority to protect their residents from defamatory
57 falsehoods and the ability to make their own policy judgments
58 regarding the prevention of defamation.

59 (8) Even under current United States Supreme Court
60 precedent, this state retains a measure of flexibility to
61 continue to formulate the state's own defamation laws in
62 response to societal changes.

63 (9) Today, defamatory statements are regularly published
64 to widespread audiences via the Internet and social media
65 platforms.

66 (10) Defamatory statements are also regularly published
67 without investigation, verification, or editing.

68 (11) Publishers of defamatory statements regularly rely on
69 anonymous sources which they know or should know are inherently
70 untrustworthy.

71 (12) The state has an important interest in protecting its
72 residents from injurious defamatory statements.

73 Section 2. Section 770.05, Florida Statutes, is amended to
74 read:

75 770.05 Limitation of choice of venue.—

76 (1) No person shall have more than one choice of venue for
 77 damages for libel or slander, invasion of privacy, or any other
 78 tort founded upon any single publication, exhibition, or
 79 utterance, such as any one edition of a newspaper, book, or
 80 magazine, any one presentation to an audience, any one broadcast
 81 over radio or television, or any one exhibition of a motion
 82 picture. Recovery in any action shall include all damages for
 83 any such tort suffered by the plaintiff in all jurisdictions.

84 (2) Notwithstanding any other provision of this chapter,
 85 or any other statute providing for venue, when damages for
 86 defamation, including libel or slander, are based on material
 87 published through the radio, television, or Internet, venue is
 88 proper in any county where the material was accessed.

89 Section 3. Section 770.08, Florida Statutes, is amended to
 90 read:

91 770.08 Limitation on recovery of damages.—Except as
 92 provided in s. 770.05(2), no person shall have more than one
 93 choice of venue for damages for libel founded upon a single
 94 publication or exhibition or utterance, as described in s.
 95 770.05. ~~, and~~ Upon his or her election in any one of his or her
 96 choices of venue, ~~then~~ the person shall be bound to recover
 97 there all damages allowed him or her.

98 Section 4. Section 770.09, Florida Statutes, is created to
 99 read:

100 770.09 Application of costs and attorney fees in

101 defamation actions.—The fee shifting provisions of s. 768.79 do
102 not apply to defamation claims, including claims for libel or
103 slander. Notwithstanding any other provision of law, a
104 prevailing plaintiff on a claim of defamation, including libel
105 or slander, is entitled to an award of reasonable costs and
106 attorney fees.

107 Section 5. Section 770.11, Florida Statutes, is created to
108 read:

109 770.11 Limitations on judicial determination of a public
110 figure.—A person may not be considered a public figure for
111 purposes of establishing a claim of defamation, including libel
112 or slander, if his or her fame or notoriety arises solely from
113 one or more of the following:

114 (1) Defending himself or herself publicly against an
115 accusation.

116 (2) Granting an interview on a specific topic.

117 (3) Public employment, other than elected office or
118 appointment by an elected official.

119 (4) A video, an image, or a statement uploaded on the
120 Internet that has reached a broad audience.

121 Section 6. Section 770.12, Florida Statutes, is created to
122 read:

123 770.12 Use of defamatory statements.—A failure to verify
124 or corroborate an alleged defamatory statement is evidence of
125 actual malice.

126 Section 7. Section 770.13, Florida Statutes, is created to
 127 read:

128 770.13 Presumption regarding anonymous sources.—A
 129 statement by an anonymous source is presumed to be false in a
 130 defamation cause of action.

131 Section 8. Subsection (4) of section 768.295, Florida
 132 Statutes, is amended to read:

133 768.295 Strategic Lawsuits Against Public Participation
 134 (SLAPP) prohibited.—

135 (4) A person or entity sued by a governmental entity or
 136 another person in violation of this section has a right to an
 137 expeditious resolution of a claim that the suit is in violation
 138 of this section. A person or entity may move the court for an
 139 order dismissing the action or granting final judgment in favor
 140 of that person or entity. The person or entity may file a motion
 141 for summary judgment, together with supplemental affidavits,
 142 seeking a determination that the claimant's or governmental
 143 entity's lawsuit has been brought in violation of this section.
 144 The claimant or governmental entity shall thereafter file a
 145 response and any supplemental affidavits. As soon as
 146 practicable, the court shall set a hearing on the motion, which
 147 shall be held at the earliest possible time after the filing of
 148 the claimant's or governmental entity's response. The court may
 149 award, subject to the limitations in s. 768.28, the party sued
 150 by a governmental entity actual damages arising from a

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151 governmental entity's violation of this section. The court shall
152 award the nonmoving ~~prevailing~~ party reasonable attorney fees
153 and costs incurred in connection with a claim that an action was
154 filed in violation of this section if the nonmoving party
155 prevails on a motion filed under this section.

156 Section 9. Paragraph (c) of subsection (4) of section
157 720.304, Florida Statutes, is amended to read:

158 720.304 Right of owners to peaceably assemble; display of
159 flag; SLAPP suits prohibited.—

160 (4) It is the intent of the Legislature to protect the
161 right of parcel owners to exercise their rights to instruct
162 their representatives and petition for redress of grievances
163 before the various governmental entities of this state as
164 protected by the First Amendment to the United States
165 Constitution and s. 5, Art. I of the State Constitution. The
166 Legislature recognizes that "Strategic Lawsuits Against Public
167 Participation" or "SLAPP" suits, as they are typically called,
168 have occurred when members are sued by individuals, business
169 entities, or governmental entities arising out of a parcel
170 owner's appearance and presentation before a governmental entity
171 on matters related to the homeowners' association. However, it
172 is the public policy of this state that government entities,
173 business organizations, and individuals not engage in SLAPP
174 suits because such actions are inconsistent with the right of
175 parcel owners to participate in the state's institutions of

176 government. Therefore, the Legislature finds and declares that
177 prohibiting such lawsuits by governmental entities, business
178 entities, and individuals against parcel owners who address
179 matters concerning their homeowners' association will preserve
180 this fundamental state policy, preserve the constitutional
181 rights of parcel owners, and assure the continuation of
182 representative government in this state. It is the intent of the
183 Legislature that such lawsuits be expeditiously disposed of by
184 the courts.

185 (c) A parcel owner sued by a governmental entity, business
186 organization, or individual in violation of this section has a
187 right to an expeditious resolution of a claim that the suit is
188 in violation of this section. A parcel owner may petition the
189 court for an order dismissing the action or granting final
190 judgment in favor of that parcel owner. The petitioner may file
191 a motion for summary judgment, together with supplemental
192 affidavits, seeking a determination that the governmental
193 entity's, business organization's, or individual's lawsuit has
194 been brought in violation of this section. The governmental
195 entity, business organization, or individual shall thereafter
196 file its response and any supplemental affidavits. As soon as
197 practicable, the court shall set a hearing on the petitioner's
198 motion, which shall be held at the earliest possible time after
199 the filing of the governmental entity's, business organization's
200 or individual's response. The court may award the parcel owner

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201 sued by the governmental entity, business organization, or
202 individual actual damages arising from the governmental
203 entity's, individual's, or business organization's violation of
204 this section. A court may treble the damages awarded to a
205 prevailing parcel owner and shall state the basis for the treble
206 damages award in its judgment. The court shall award the
207 nonmoving ~~prevailing~~ party reasonable attorney ~~attorney's~~ fees
208 and costs incurred in connection with a claim that an action was
209 filed in violation of this section if the nonmoving party
210 prevails on a motion filed under this section.

211 Section 10. This act shall take effect July 1, 2023.