

By Senator Garcia

36-00575-24

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1                   A bill to be entitled  
2       An act relating to defamation; creating s. 770.001,  
3       F.S.; providing applicability; amending s. 770.05,  
4       F.S.; providing proper venue in a county where  
5       defamatory material was accessed by a third party;  
6       making technical changes; creating s. 770.09, F.S.;  
7       providing that publication of certain media forms the  
8       basis of a defamation action; creating s. 770.11,  
9       F.S.; providing a short title; defining terms;  
10      prohibiting journalists and media outlets from  
11      knowingly publishing or disseminating a false  
12      narrative or defamatory material about a public  
13      figure; providing that quotes or soundbites out of  
14      context are considered a violation; providing  
15      applicability; providing an alternative standard of  
16      proof for actions where the defendant does not  
17      identify the source of the defamatory material or when  
18      the defamatory action is unrelated to a plaintiff's  
19      status as a public figure; requiring journalists and  
20      media outlets to offer public figures all conditions,  
21      rights, and remedies found in law; providing  
22      applicability; providing severability; providing an  
23      effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Section 770.001, Florida Statutes, is created to  
28 read:

29       770.001 Definition.—As used in this chapter, an action for

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30 defamation includes actions for libel, slander, false  
31 narratives, and related causes of action.

32 Section 2. Section 770.05, Florida Statutes, is amended to  
33 read:

34 770.05 Venue for defamation actions ~~Limitation of choice of~~  
35 ~~venue.~~—

36 (1) A ~~No~~ person may not ~~shall~~ have more than one choice of  
37 venue for damages for libel or slander, invasion of privacy, or  
38 any other tort founded upon any single publication, exhibition,  
39 or utterance, such as any one edition of a newspaper, book, or  
40 magazine, any one presentation to an audience, any one broadcast  
41 over radio or television, or any one exhibition of a motion  
42 picture. Recovery in any action includes ~~shall include~~ all  
43 damages for any such tort suffered by the plaintiff in all  
44 jurisdictions.

45 (2) Venue for a cause of action for defamation is proper in  
46 a county identified in s. 47.011, including any county where the  
47 defamatory material is accessed by a third party.

48 Section 3. Section 770.09, Florida Statutes, is created to  
49 read:

50 770.09 Defamation by publication of photograph, video, or  
51 audio recording.—The publication of a photograph, video, or  
52 audio recording, regardless of whether altered or unaltered, may  
53 form the basis of a defamation action.

54 Section 4. Section 770.11, Florida Statutes, is created to  
55 read:

56 770.11 Defamation of public figures.—

57 (1) SHORT TITLE.—This section may be cited as the  
58 "Protection of Public Figures from False Narratives and

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59 Defamation Law.”

60 (2) DEFINITIONS.—As used in this section, the term:

61 (a) “Defamation” means a false statement that harms a  
62 public figure’s reputation, including both written and spoken  
63 statements. For the purpose of the act, defamation includes  
64 statements from a public figure taken out of context.

65 (b) “False narrative” means intentionally misleading or  
66 inaccurate representations of a public figure’s actions,  
67 statements, or character to place them in a false light.

68 (c) “Journalist” means a person regularly engaged in  
69 collecting, photographing, recording, writing, editing,  
70 reporting, or publishing news, for gain or livelihood, who seeks  
71 and obtains information while working as an employee of, or  
72 independent contractor for, a media outlet.

73 (d) “Media outlet” means a newspaper, news journal, news  
74 agency, press association, wire service, radio or television  
75 station, streaming platform, network, or news magazine.

76 (e) “Public figure” means a notable person of public  
77 interest or familiarity, including, but not limited to, a  
78 government official, politician, celebrity, business leader,  
79 movie star, or athlete.

80 (3) PROHIBITION OF FALSE NARRATIVE AND DEFAMATION;  
81 DEFAMATORY STATEMENTS; BURDENS OF PROOF.—A journalist or media  
82 outlet may not knowingly publish or disseminate a false  
83 narrative or defamatory material about a public figure. For the  
84 purposes of this section, taking a quote or soundbite out of  
85 context or out of sequence to create a false narrative, is  
86 considered a violation of this section.

87 (a) A defamatory allegation is made with actual malice for

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88 purposes of a defamation action if any of the following apply:

89 1. The defamatory allegation is fabricated by the  
90 defendant, is the product of his or her imagination, is based  
91 wholly on an unverified, anonymous report, or based on  
92 statements made by the plaintiff when said out of context.

93 2. The defamatory allegation is so inherently improbable  
94 that only a reckless person would put it into circulation.

95 3. The defamatory allegation was made using the plaintiff's  
96 own words taken out of context to create a false narrative or  
97 defamatory material.

98 4. The defamatory allegation was based on an informant or  
99 an informant's report, and there are obvious reasons to doubt  
100 the veracity of the informant or his or her report. Obvious  
101 reasons exist to doubt the veracity of a report if:

102 a. There is sufficient contrary evidence that was known or  
103 should have been known to the defendant after a reasonable  
104 investigation;

105 b. The informant has a history of being unreliable or  
106 untruthful; or

107 c. The report is inherently improbable or implausible on  
108 its face, and is not presented as satire.

109 (b) If the actual malice standard otherwise applies to a  
110 defamation action in which the defendant does not identify the  
111 source for the defamatory material, the plaintiff need only  
112 prove that the defendant acted negligently in making the  
113 defamatory material.

114 (c) In a defamation action based on alleged defamatory  
115 material that does not relate to the reasons for the plaintiff's  
116 status as a public figure, the plaintiff need only prove that

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117 the defendant acted negligently in making, repeating, or  
118 republishing the defamatory material.

119 (4) OBLIGATIONS OF JOURNALISTS AND MEDIA OUTLETS; REMEDIES  
120 FOR PUBLIC FIGURES.—A journalist or a media outlet must afford a  
121 public figure all conditions, rights, and remedies required  
122 under ss. 770.01 and 770.02.

123 (5) SATIRE.—This section does not apply to media  
124 publications or journalists that present a satire or satirical  
125 story regarding or involving a public figure.

126 (6) SEVERABILITY OF PROVISIONS.—In case any one or more of  
127 the sections or provisions of this act or the application of  
128 such sections or provisions to any situations, circumstances, or  
129 persons shall for any reason be held to be unconstitutional,  
130 such unconstitutionality shall not affect any other sections or  
131 provisions of this act or the applications of such sections or  
132 provisions to any other situations, circumstances, or persons,  
133 and it is intended that this law shall be construed and applied  
134 as if such sections or provisions had not been included herein  
135 for any unconstitutional application.

136 Section 5. This act shall take effect July 1, 2024.