



882282

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2024	.	
	.	
	.	
	.	

The Committee on Judiciary (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 770.02, Florida Statutes, is amended to
read:

770.02 Correction, apology, or retraction by newspaper or
broadcast station.—

(1) If it appears upon the trial that said article or
broadcast was published in good faith; that its falsity was due
to an honest mistake of the facts; that there were reasonable



882282

12 grounds for believing that the statements in said article or
13 broadcast were true; and that, within the period of time
14 specified in subsection (2), a full and fair correction,
15 apology, or retraction was, in the case of a newspaper or
16 periodical, published in the same editions or corresponding
17 issues of the newspaper or periodical in which said article
18 appeared and in as conspicuous place and type as said original
19 article or, in the case of a broadcast, the correction, apology,
20 or retraction was broadcast at a comparable time, then the
21 plaintiff in such case shall recover only actual damages. For
22 purposes of this section, if such an article or a broadcast has
23 been published on the Internet, the article or broadcast must be
24 permanently removed from the Internet within the time period
25 provided in paragraph (2) (a) in order to limit recovery to
26 actual damages as provided in this section.

27 (2) Full and fair correction, apology, or retraction shall
28 be made:

29 (a) In the case of a broadcast or a daily or weekly
30 newspaper or periodical, within 10 days after service of
31 notice.~~†~~

32 (b) In the case of a newspaper or periodical published
33 semimonthly, within 20 days after service of notice.~~†~~

34 (c) In the case of a newspaper or periodical published
35 monthly, within 45 days after service of notice.~~†~~ ~~and~~

36 (d) In the case of a newspaper or periodical published less
37 frequently than monthly, in the next issue, provided notice is
38 served no later than 45 days prior to such publication.

39 Section 2. Section 770.04, Florida Statutes, is amended to
40 read:



882282

41 770.04 Civil liability of certain media outlets ~~radio or~~
42 ~~television broadcasting stations~~; care to prevent publication or
43 utterance required.—

44 (1) The owner, licensee, or operator of a radio or
45 television broadcasting station or a newspaper, and the agents
46 or employees of any such owner, licensee, or operator, shall not
47 be liable for any damages for any defamatory statement published
48 or uttered in or as a part of a radio or television broadcast or
49 newspaper article, by one other than such owner, licensee, or
50 operator, or general agent or employees thereof, unless it is
51 ~~shall be~~ alleged and proved by the complaining party, that such
52 owner, licensee, operator, general agent, or employee, has
53 failed to exercise due care to prevent the publication or
54 utterance of such statement in such broadcasts or newspaper
55 articles, provided, however, the exercise of due care shall be
56 construed to include the bona fide compliance with any federal
57 law or the regulation of any federal regulatory agency.

58 (2) When an owner, a licensee, or an operator described in
59 subsection (1) publishes a defamatory statement on the Internet
60 with no knowledge of falsity of the statement and thereafter
61 receives notice that such statement has been found in a judicial
62 proceeding to be false, or receives notice of facts that would
63 cause a reasonable person to conclude that such statement was
64 false, and the owner, licensee, or operator fails to take
65 reasonable steps to permanently remove the statement and any
66 related report from the Internet, the continued appearance of
67 such statement or report on the Internet after the notice shall
68 be a new publication for purpose of the statute of limitations,
69 and the owner, licensee, or operator shall not be entitled to a



882282

70 fair reporting privilege for such new publication.

71 Section 3. Section 770.05, Florida Statutes, is amended to
72 read:

73 770.05 Limitation of choice of venue.—

74 (1) As used in this chapter, the term "defamation or
75 privacy tort" means libel, slander, invasion of privacy, or any
76 other tort founded upon any single publication, exhibition, or
77 utterance, such as any one edition of a newspaper, book, or
78 magazine, any one presentation to an audience, any one broadcast
79 over radio or television, any one exhibition of a motion
80 picture, or any one publication, exhibition, or utterance on the
81 Internet.

82 (2) A ~~No~~ person may not shall have more than one choice of
83 venue for damages for a defamation or privacy tort ~~libel or~~
84 ~~slander, invasion of privacy, or any other tort founded upon any~~
85 ~~single publication, exhibition, or utterance, such as any one~~
86 ~~edition of a newspaper, book, or magazine, any one presentation~~
87 ~~to an audience, any one broadcast over radio or television, or~~
88 ~~any one exhibition of a motion picture.~~ Recovery in any action
89 shall include all damages for any such tort suffered by the
90 plaintiff in all jurisdictions.

91 (3) Notwithstanding any other provision of this chapter, or
92 any other statute providing for venue, when:

93 (a) Damages for a defamation or privacy tort are based on
94 material broadcast over radio or television, venue is proper in
95 any county in which the material was accessed.

96 (b) Damages for a defamation or privacy tort are based on
97 material published, exhibited, or uttered on the Internet, venue
98 is proper in any county in the state.



882282

99 Section 4. Section 770.107, Florida Statutes, is created to
100 read:

101 770.107 Veracity hearings in defamation or privacy tort
102 actions.-

103 (1) Upon motion by any party to a cause of action brought
104 under this chapter, the court shall conduct an evidentiary
105 hearing to determine:

106 (a) Whether a statement is a statement of fact or an
107 opinion.

108 (b) The veracity of any statement of fact that constitutes
109 the basis for the cause of action.

110 (2) Unless otherwise agreed to by the parties, the court
111 shall hear the motion within 60 days after service of the
112 motion.

113 (3) The court's review of the motion shall be limited
114 solely to determining whether a statement is a statement of fact
115 or an opinion and the veracity of the statement of fact at issue
116 in the underlying cause of action.

117 (4) In ruling upon a motion for determination of veracity,
118 the court shall issue no findings regarding the following
119 matters at issue in the underlying cause of action:

120 (a) Whether the statement of fact constitutes defamation
121 per se, defamation per quod, or a privacy tort;

122 (b) Whether the plaintiff in the cause of action qualifies
123 as a public figure or limited public figure; or

124 (c) Whether the defendant in the cause of action acted
125 negligently, recklessly, intentionally, or with actual malice.

126 (5) The court shall assess against the nonprevailing party
127 the reasonable attorney fees and costs associated with the



882282

128 hearing.

129 (6) This section applies only to actions against a
130 newspaper or a periodical, whether in print or electronic
131 format; a broadcast station; or an employee, an agent, or a
132 contractor of such an entity that routinely publishes news or
133 information of a public character or interest or value.

134 Section 5. Section 770.11, Florida Statutes, is created to
135 read:

136 770.11 Presumption regarding anonymous sources when the
137 statement made about a public figure is false.—If a public
138 figure plaintiff can establish that a published statement is
139 false and that the publisher relied on an anonymous source for
140 the statement, there is a rebuttable presumption that the
141 publisher acted with actual malice in publishing the statement.

142 Section 6. Section 770.15, Florida Statutes, is created to
143 read:

144 770.15 Using artificial intelligence to place person in
145 false light.—

146 (1) As used in this section, the term “artificial
147 intelligence” means the theory and development of computer
148 systems that are designed to simulate human intelligence through
149 machine learning and perform tasks that would normally require
150 human involvement, such as visual perception, speech
151 recognition, decisionmaking, and translation between languages.

152 (2) A person who uses artificial intelligence to create or
153 edit any form of media so that it attributes something false to
154 or leads a reasonable viewer to believe something false about
155 another person is subject to liability if all of the following
156 apply:



882282

157 (a) The media is published, distributed, or otherwise
158 placed before the public.

159 (b) The false light in which the other person was placed
160 would be highly offensive to a reasonable person.

161 (c) The person had knowledge of or acted in reckless
162 disregard as to the false implications of the media.

163 (3) This section incorporates the standards set forth under
164 this chapter for defamation causes of action to the extent
165 necessary.

166 Section 7. For the purpose of incorporating the amendment
167 made by this act to section 770.05, Florida Statutes, in a
168 reference thereto, section 770.06, Florida Statutes, is
169 reenacted to read:

170 770.06 Adverse judgment in any jurisdiction a bar to
171 additional action.—A judgment in any jurisdiction for or against
172 the plaintiff upon the substantive merits of any action for
173 damages founded upon a single publication or exhibition or
174 utterance as described in s. 770.05 shall bar any other action
175 for damages by the same plaintiff against the same defendant
176 founded upon the same publication or exhibition or utterance.

177 Section 8. For the purpose of incorporating the amendment
178 made by this act to section 770.05, Florida Statutes, in a
179 reference thereto, section 770.07, Florida Statutes, is
180 reenacted to read:

181 770.07 Cause of action, time of accrual.—The cause of
182 action for damages founded upon a single publication or
183 exhibition or utterance, as described in s. 770.05, shall be
184 deemed to have accrued at the time of the first publication or
185 exhibition or utterance thereof in this state.



882282

186 Section 9. For the purpose of incorporating the amendment
187 made by this act to section 770.05, Florida Statutes, in a
188 reference thereto, section 770.08, Florida Statutes, is
189 reenacted to read:

190 770.08 Limitation on recovery of damages.—No person shall
191 have more than one choice of venue for damages for libel founded
192 upon a single publication or exhibition or utterance, as
193 described in s. 770.05, and upon his or her election in any one
194 of his or her choices of venue, then the person shall be bound
195 to recover there all damages allowed him or her.

196 Section 10. If any provision of this act or its application
197 to any person or circumstance is held invalid, the invalidity
198 does not affect other provisions or applications of this act
199 which can be given effect without the invalid provision or
200 application, and to this end the provisions of this act are
201 severable.

202 Section 11. This act shall take effect July 1, 2024.

203
204 ===== T I T L E A M E N D M E N T =====

205 And the title is amended as follows:

206 Delete everything before the enacting clause
207 and insert:

208 A bill to be entitled
209 An act relating to defamation, false light, and
210 unauthorized publication of name or likenesses;
211 amending s. 770.02, F.S.; requiring that certain
212 articles or broadcasts be removed from the Internet
213 within a specified period to limit damages for
214 defamation; amending s. 770.04, F.S.; providing



882282

215 persons in certain positions relating to newspapers
216 with immunity for defamation if such persons exercise
217 due care to prevent publication or utterance of such a
218 statement; requiring removal of defamatory statements
219 from the Internet in certain circumstances; amending
220 s. 770.05, F.S.; defining the term "defamation or
221 privacy tort"; providing venue for damages for a
222 defamation or privacy tort based on material broadcast
223 over radio or television; providing venue for damages
224 for a defamation or privacy tort based on material
225 published, exhibited, or uttered on the Internet;
226 creating s. 770.107, F.S.; requiring the court to
227 conduct an evidentiary hearing upon motion by any
228 party to a cause of action; specifying determinations
229 to be made on such a motion; providing the timeframe
230 for a hearing on such motions; limiting the court's
231 review of such a motion; specifying that a certain
232 finding may not be made in ruling on such a motion;
233 requiring the court to assess against the
234 nonprevailing party reasonable attorney fees and costs
235 for such hearing; providing applicability; creating s.
236 770.11, F.S.; providing a rebuttable presumption that
237 a publisher of a false statement acted with actual
238 malice in certain circumstances; creating s. 770.15,
239 F.S.; defining the term "artificial intelligence";
240 providing that a person who uses artificial
241 intelligence to create or edit any form of media in a
242 certain manner is subject to liability in certain
243 circumstances; incorporating certain standards;



882282

244 reenacting ss. 770.06, 770.07, and 770.08, F.S.,
245 relating to adverse judgment in any jurisdiction as a
246 bar to additional action, cause of action and time of
247 accrual, and limitation on recovery of damages,
248 respectively, to incorporate the amendment made to s.
249 770.05, F.S., in references thereto; providing for
250 severability; providing an effective date.