

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Andrade offered the following:

Amendment (with title amendment)

Remove lines 58-191 and insert:

plaintiff in such case shall recover only actual damages.

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

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

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

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

Amendment No. 1

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

19 (3) For purposes of this section, in order to limit
20 recovery to actual damages as provided in this section, when
21 such an article or a broadcast has been published on the
22 Internet, the article or broadcast must either be:

23 (a) Permanently removed from the Internet within the time
24 period provided in paragraph (2) (a), or

25 (b) Retracted or corrected within the time period provided
26 in paragraph (2) (a) and a notation must be placed on the
27 headline and at the beginning of the article, in type font as
28 large or larger than the article's, stating the retraction or
29 correction was made and what was retracted or corrected.

30 Section 2. Section 770.04, Florida Statutes, is amended to
31 read:

32 770.04 Civil liability of certain media outlets ~~radio or~~
33 ~~television broadcasting stations~~; care to prevent publication or
34 utterance required.—

35 (1) The owner, licensee, or operator of a radio or
36 television broadcasting station or a newspaper, and the agents
37 or employees of any such owner, licensee, or operator, shall not
38 be liable for any damages for any defamatory statement published
39 or uttered in or as a part of a radio or television broadcast or
40 newspaper article, by one other than such owner, licensee, or

070899 - h0757-line58.docx

Published On: 2/20/2024 2:38:18 PM

Amendment No. 1

41 operator, or general agent or employees thereof, unless it is
42 ~~shall be~~ alleged and proved by the complaining party, that such
43 owner, licensee, operator, general agent, or employee, has
44 failed to exercise due care to prevent the publication or
45 utterance of such statement in such broadcasts or newspaper
46 articles, provided, however, the exercise of due care shall be
47 construed to include the bona fide compliance with any federal
48 law or the regulation of any federal regulatory agency.

49 (2) When an owner, a licensee, or an operator described in
50 subsection (1) publishes a defamatory statement on the Internet
51 with no knowledge of falsity of the statement and thereafter
52 receives notice that such statement has been found in a judicial
53 proceeding to be false, or receives notice of facts that would
54 cause a reasonable person to conclude that such statement was
55 false, and the owner, licensee, or operator fails to take
56 reasonable steps to permanently remove the statement and any
57 related report from the Internet or correct the statement as
58 prescribed in s. 770.02(3), the continued appearance of such
59 statement or report on the Internet after the notice shall be a
60 new publication for purpose of the statute of limitations, and
61 the owner, licensee, or operator shall not be entitled to a fair
62 reporting privilege for such new publication.

63 Section 3. Section 770.05, Florida Statutes, is amended to
64 read:

65 770.05 Limitation of choice of venue.—

070899 - h0757-line58.docx

Published On: 2/20/2024 2:38:18 PM

Amendment No. 1

66 (1) As used in this chapter, the term "defamation or
67 privacy tort" means libel, slander, invasion of privacy, or any
68 other tort founded upon any single publication, exhibition, or
69 utterance, such as any one edition of a newspaper, book, or
70 magazine, any one presentation to an audience, any one broadcast
71 over radio or television, any one exhibition of a motion
72 picture, or any one publication, exhibition, or utterance on the
73 Internet.

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

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

85 (a) Damages for a defamation or privacy tort are based on
86 material broadcast over radio or television, venue is proper in
87 any county in which the material was accessed and in which a
88 plaintiff reasonably suffered damages as a result of the
89 broadcast.

Amendment No. 1

90 (b) Damages for a defamation or privacy tort are based on
91 material published, exhibited, or uttered on the Internet, venue
92 is proper in any county in the state in which a plaintiff
93 reasonably suffered damages as a result of the publication.

94 (c) A plaintiff may not bring an action for a defamation
95 or privacy tort in a venue that does not possess a reasonable
96 connection to the material circumstances related to the cause of
97 action.

98 (4) Upon the court's initiative or motion of any party,
99 the court shall award reasonable attorney fees and damages to be
100 paid to the defendant in equal amounts by the plaintiff and the
101 plaintiff's attorney if a plaintiff's choice of venue is
102 determined to possess no reasonable connection to the material
103 circumstances related to the cause of action or the plaintiff's
104 choice of venue is determined to have been sought for the
105 purposes of harassment or other vexatious purpose.

106 Section 4. Section 770.107, Florida Statutes, is created
107 to read:

108 770.107 Veracity hearings in defamation or privacy tort
109 actions.-

110 (1)(a) Upon motion by any party to a cause of action
111 brought under this chapter, the court shall conduct a hearing to
112 determine the following:

Amendment No. 1

113 1. Whether any material statement that constitutes the
114 basis for the cause of action is a statement of fact or an
115 opinion.

116 2. The veracity of any statement of fact that constitutes
117 the basis for the cause of action.

118 (b) The court shall grant such motion if the movant shows
119 there is no genuine dispute as to any material fact regarding
120 the subject of the motion.

121 (2) Unless otherwise agreed to by the parties, the court
122 shall hear the motion within 60 days after service of the
123 motion.

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

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

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

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

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

Amendment No. 1

137 (5) The court shall assess against the nonprevailing party
138 the reasonable attorney fees and costs associated with the
139 hearing.

140 Section 5. Section 770.11, Florida Statutes, is created to
141 read:

142 770.11 Presumption regarding anonymous sources when the
143 statement made about a public figure is false.—If a public
144 figure plaintiff can establish that a published statement is
145 false and that the publisher relied on an anonymous source for
146 the statement, there is a rebuttable presumption that the
147 publisher acted with actual malice in publishing the statement.

148 Section 6. Section 770.15, Florida Statutes, is created to
149 read:

150 770.15 Using artificial intelligence to place person in
151 false light.—

152 (1) As used in this section, the term "artificial
153 intelligence" means a machine-based system that, for explicit or
154 implicit objectives, infers, from the input the system receives,
155 how to generate outputs such as predictions, content,
156 recommendations, or decisions that can influence physical or
157 virtual environments. Different artificial intelligence systems
158 vary in the levels of autonomy and adaptiveness after
159 deployment.

160 (2) A person who intentionally uses artificial
161 intelligence to create or edit any form of media so that it

Amendment No. 1

162 attributes something false to or leads a reasonable viewer to
163 believe something false about another person is subject to
164 liability if all of the following apply:

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

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

169 (c) The person creating or editing the media had actual
170 knowledge of or acted in reckless disregard as to the false
171 implications of the media.

172

173

174

175

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

176

Remove lines 18-24 and insert:

177

the Internet; providing for award of attorney fees and

178

damages due to plaintiff's choice of venue in certain

179

circumstances; creating s. 770.107, F.S.; providing for a

180

motion for a veracity hearing in a defamation or privacy

181

tort action; specifying determinations to be made on such a

182

motion; providing a timeframe for a hearing; limiting the

183

court's review of such a motion; specifying that a certain

184

finding may not be made in ruling on such a motion;

185

providing for award of attorney fees in certain

186

circumstances; creating s. 770.11, F.S.;