

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WITHDRAWN	_____	(Y/N)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: Civil Justice Subcommittee
 2 Representative Andrade offered the following:

Amendment (with title amendment)

Between lines 55 and 56, insert:

Section 2. Section 770.107, Florida Statutes, is created
to read:

770.107 Veracity hearings in defamation or privacy tort
actions.-

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

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

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

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17 (2) Unless otherwise agreed to by the parties, the court
18 shall hear the motion within 60 days after service of the
19 motion.

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

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

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

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

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

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

37 Between lines 9 and 10, insert:

38 creating s. 770.107, F.S.; providing for a motion for a
39 veracity hearing in a defamation or privacy tort action;
40 specifying determinations to be made on such a motion;
41 providing a timeframe for a hearing; limiting the court's

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42 | review of such a motion; specifying that a certain finding
43 | may not be made in ruling on such a motion;