

1 A bill to be entitled
2 An act relating to defamation, false light, and
3 unauthorized publication of name or likenesses;
4 amending s. 770.05, F.S.; providing a definition;
5 providing venue for damages for a defamation or
6 privacy tort based on material broadcast over radio or
7 television; providing venue for damages for a
8 defamation or privacy tort based on material
9 published, exhibited, or uttered on the Internet;
10 creating s. 770.11, F.S.; providing a rebuttable
11 presumption that a publisher of a false statement
12 acted with actual malice in certain circumstances;
13 creating s. 770.15, F.S.; providing a definition;
14 providing that a person who uses artificial
15 intelligence to create or edit any form of media in a
16 certain manner is subject to liability in certain
17 circumstances; incorporating certain standards;
18 reenacting ss. 770.06, 770.07, and 770.08, F.S.,
19 relating to adverse judgment in any jurisdiction as a
20 bar to additional action, cause of action and time of
21 accrual, and limitation on recovery of damages,
22 respectively, to incorporate the amendment made to s.
23 770.05, F.S., in references thereto; providing
24 severability; providing an effective date.
25

26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Section 770.05, Florida Statutes, is amended to
 29 read:

30 770.05 Limitation of choice of venue.—

31 (1) As used in this chapter, the term "defamation or
 32 privacy tort" means libel, slander, invasion of privacy, or any
 33 other tort founded upon any single publication, exhibition, or
 34 utterance, such as any one edition of a newspaper, book, or
 35 magazine, any one presentation to an audience, any one broadcast
 36 over radio or television, any one exhibition of a motion
 37 picture, or any one publication, exhibition, or utterance on the
 38 Internet.

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

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

50 (a) Damages for a defamation or privacy tort are based on

51 material broadcast over radio or television, venue is proper in
52 any county in which the material was accessed.

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

56 Section 2. Section 770.11, Florida Statutes, is created to
57 read:

58 770.11 Presumption regarding anonymous sources when the
59 statement made about a public figure is false.—If a public
60 figure plaintiff can establish that a published statement is
61 false and that the publisher relied on an anonymous source for
62 the statement, there is a rebuttable presumption that the
63 publisher acted with actual malice in publishing the statement.

64 Section 3. Section 770.15, Florida Statutes, is created to
65 read:

66 770.15 Using artificial intelligence to place person in
67 false light.—

68 (1) As used in this section, the term "artificial
69 intelligence" means the theory and development of computer
70 systems that are designed to simulate human intelligence through
71 machine learning and perform tasks that would normally require
72 human involvement, such as visual perception, speech
73 recognition, decisionmaking, and translation between languages.

74 (2) A person who uses artificial intelligence to create or
75 edit any form of media so that it attributes something false to

76 or leads a reasonable viewer to believe something false about
77 another person is subject to liability if all of the following
78 apply:

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

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

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

85 (3) This section incorporates the standards set forth
86 under chapter 770 for defamation causes of action to the extent
87 necessary.

88 Section 4. For the purpose of incorporating the amendment
89 made by this act to section 770.05, Florida Statutes, in a
90 reference thereto, section 770.06, Florida Statutes, is
91 reenacted to read:

92 770.06 Adverse judgment in any jurisdiction a bar to
93 additional action.—A judgment in any jurisdiction for or against
94 the plaintiff upon the substantive merits of any action for
95 damages founded upon a single publication or exhibition or
96 utterance as described in s. 770.05 shall bar any other action
97 for damages by the same plaintiff against the same defendant
98 founded upon the same publication or exhibition or utterance.

99 Section 5. For the purpose of incorporating the amendment
100 made by this act to section 770.05, Florida Statutes, in a

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101 reference thereto, section 770.07, Florida Statutes, is
 102 reenacted to read:

103 770.07 Cause of action, time of accrual.—The cause of
 104 action for damages founded upon a single publication or
 105 exhibition or utterance, as described in s. 770.05, shall be
 106 deemed to have accrued at the time of the first publication or
 107 exhibition or utterance thereof in this state.

108 Section 6. For the purpose of incorporating the amendment
 109 made by this act to section 770.05, Florida Statutes, in a
 110 reference thereto, section 770.08, Florida Statutes, is
 111 reenacted to read:

112 770.08 Limitation on recovery of damages.—No person shall
 113 have more than one choice of venue for damages for libel founded
 114 upon a single publication or exhibition or utterance, as
 115 described in s. 770.05, and upon his or her election in any one
 116 of his or her choices of venue, then the person shall be bound
 117 to recover there all damages allowed him or her.

118 Section 7. If any provision of this act or its application
 119 to any person or circumstance is held invalid, the invalidity
 120 does not affect other provisions or applications of this act
 121 which can be given effect without the invalid provision or
 122 application, and to this end the provisions of this act are
 123 severable.

124 Section 8. This act shall take effect July 1, 2024.