

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. 770.02, F.S.; requiring that certain
5 articles or broadcasts be removed from the Internet
6 within a specified period to limit damages for
7 defamation; amending s. 770.04, F.S.; providing
8 persons in certain positions relating to newspapers
9 with immunity for defamation if such persons exercise
10 due care to prevent utterance of such a statement;
11 requiring removal of defamatory statements from the
12 Internet in certain circumstances; amending s. 770.05,
13 F.S.; providing a definition; providing venue for
14 damages for a defamation or privacy tort based on
15 material broadcast over radio or television; providing
16 venue for damages for a defamation or privacy tort
17 based on material published, exhibited, or uttered on
18 the Internet; providing for award of attorney fees and
19 damages due to plaintiff's choice of venue in certain
20 circumstances; creating s. 770.107, F.S.; providing
21 for a motion for a veracity hearing in a defamation or
22 privacy tort action; specifying determinations to be
23 made on such a motion; providing a timeframe for a
24 hearing; limiting the court's review of such a motion;
25 specifying that a certain finding may not be made in

26 ruling on such a motion; providing for award of
 27 attorney fees in certain circumstances; creating s.
 28 770.11, F.S.; providing a rebuttable presumption that
 29 a publisher of a false statement acted with actual
 30 malice in certain circumstances; creating s. 770.15,
 31 F.S.; providing a definition; providing that a person
 32 who uses artificial intelligence to create or edit any
 33 form of media in a certain manner is subject to
 34 liability in certain circumstances; incorporating
 35 certain standards; reenacting ss. 770.06, 770.07, and
 36 770.08, F.S., relating to adverse judgment in any
 37 jurisdiction as a bar to additional action, cause of
 38 action and time of accrual, and limitation on recovery
 39 of damages, respectively, to incorporate the amendment
 40 made to s. 770.05, F.S., in references thereto;
 41 providing severability; providing an effective date.

42

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

44

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

47 770.02 Correction, apology, or retraction by newspaper or
 48 broadcast station.—

49 (1) If it appears upon the trial that said article or
 50 broadcast was published in good faith; that its falsity was due

51 to an honest mistake of the facts; that there were reasonable
52 grounds for believing that the statements in said article or
53 broadcast were true; and that, within the period of time
54 specified in subsection (2), a full and fair correction,
55 apology, or retraction was, in the case of a newspaper or
56 periodical, published in the same editions or corresponding
57 issues of the newspaper or periodical in which said article
58 appeared and in as conspicuous place and type as said original
59 article or, in the case of a broadcast, the correction, apology,
60 or retraction was broadcast at a comparable time, then the
61 plaintiff in such case shall recover only actual damages.

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

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

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

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

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

74 (3) For purposes of this section, in order to limit
75 recovery to actual damages as provided in this section, when

76 such an article or a broadcast has been published on the
 77 Internet, the article or broadcast must either be:

78 (a) Permanently removed from the Internet within the time
 79 period provided in paragraph (2) (a); or

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

85 Section 2. Section 770.04, Florida Statutes, is amended to
 86 read:

87 770.04 Civil liability of certain media outlets ~~radio or~~
 88 ~~television broadcasting stations~~; care to prevent publication or
 89 utterance required.—

90 (1) The owner, licensee, or operator of a radio or
 91 television broadcasting station or a newspaper, and the agents
 92 or employees of any such owner, licensee, or operator, shall not
 93 be liable for any damages for any defamatory statement published
 94 or uttered in or as a part of a radio or television broadcast or
 95 newspaper article, by one other than such owner, licensee, or
 96 operator, or general agent or employees thereof, unless it is
 97 ~~shall be~~ alleged and proved by the complaining party~~7~~ that such
 98 owner, licensee, operator, general agent, or employee~~7~~ has
 99 failed to exercise due care to prevent the publication or
 100 utterance of such statement in such broadcasts or newspaper

101 articles, provided, however, the exercise of due care shall be
 102 construed to include the bona fide compliance with any federal
 103 law or the regulation of any federal regulatory agency.

104 (2) When an owner, a licensee, or an operator described in
 105 subsection (1) publishes a defamatory statement on the Internet
 106 with no knowledge of falsity of the statement and thereafter
 107 receives notice that such statement has been found in a judicial
 108 proceeding to be false, or receives notice of facts that would
 109 cause a reasonable person to conclude that such statement was
 110 false, and the owner, licensee, or operator fails to take
 111 reasonable steps to permanently remove the statement and any
 112 related report from the Internet or correct the statement as
 113 prescribed in s. 770.02(3), the continued appearance of such
 114 statement or report on the Internet after the notice shall be a
 115 new publication for purpose of the statute of limitations, and
 116 the owner, licensee, or operator shall not be entitled to a fair
 117 reporting privilege for such new publication.

118 Section 3. Section 770.05, Florida Statutes, is amended to
 119 read:

120 770.05 Limitation of choice of venue.—

121 (1) As used in this chapter, the term "defamation or
 122 privacy tort" means libel, slander, invasion of privacy, or any
 123 other tort founded upon any single publication, exhibition, or
 124 utterance, such as any one edition of a newspaper, book, or
 125 magazine, any one presentation to an audience, any one broadcast

126 over radio or television, any one exhibition of a motion
 127 picture, or any one publication, exhibition, or utterance on the
 128 Internet.

129 (2) A ~~No~~ person may not ~~shall~~ have more than one choice of
 130 venue for damages for a defamation or privacy tort ~~libel or~~
 131 ~~slander, invasion of privacy, or any other tort founded upon any~~
 132 ~~single publication, exhibition, or utterance, such as any one~~
 133 ~~edition of a newspaper, book, or magazine, any one presentation~~
 134 ~~to an audience, any one broadcast over radio or television, or~~
 135 ~~any one exhibition of a motion picture.~~ Recovery in any action
 136 shall include all damages for any such tort suffered by the
 137 plaintiff in all jurisdictions.

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

140 (a) Damages for a defamation or privacy tort are based on
 141 material broadcast over radio or television, venue is proper in
 142 any county in which the material was accessed and in which a
 143 plaintiff reasonably suffered damages as a result of the
 144 broadcast.

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

149 (c) A plaintiff may not bring an action for a defamation
 150 or privacy tort in a venue that does not possess a reasonable

151 connection to the material circumstances related to the cause of
152 action.

153 (4) Upon the court's initiative or motion of any party,
154 the court shall award reasonable attorney fees and damages to be
155 paid to the defendant in equal amounts by the plaintiff and the
156 plaintiff's attorney if a plaintiff's choice of venue is
157 determined to possess no reasonable connection to the material
158 circumstances related to the cause of action or the plaintiff's
159 choice of venue is determined to have been sought for the
160 purposes of harassment or other vexatious purpose.

161 Section 4. Section 770.107, Florida Statutes, is created
162 to read:

163 770.107 Veracity hearings in defamation or privacy tort
164 actions.—

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

168 1. Whether any material statement that constitutes the
169 basis for the cause of action is a statement of fact or an
170 opinion.

171 2. The veracity of any statement of fact that constitutes
172 the basis for the cause of action.

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

176 (2) Unless otherwise agreed to by the parties, the court
177 shall hear the motion within 60 days after service of the
178 motion.

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

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

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

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

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

192 (5) The court shall assess against the nonprevailing party
193 the reasonable attorney fees and costs associated with the
194 hearing.

195 Section 5. Section 770.11, Florida Statutes, is created to
196 read:

197 770.11 Presumption regarding anonymous sources when the
198 statement made about a public figure is false.—If a public
199 figure plaintiff can establish that a published statement is
200 false and that the publisher relied on an anonymous source for

201 the statement, there is a rebuttable presumption that the
202 publisher acted with actual malice in publishing the statement.

203 Section 6. Section 770.15, Florida Statutes, is created to
204 read:

205 770.15 Using artificial intelligence to place person in
206 false light.-

207 (1) As used in this section, the term "artificial
208 intelligence" means a machine-based system that, for explicit or
209 implicit objectives, infers, from the input the system receives,
210 how to generate outputs such as predictions, content,
211 recommendations, or decisions that can influence physical or
212 virtual environments. Different artificial intelligence systems
213 vary in the levels of autonomy and adaptiveness after
214 deployment.

215 (2) A person who intentionally uses artificial
216 intelligence to create or edit any form of media so that it
217 attributes something false to or leads a reasonable viewer to
218 believe something false about another person is subject to
219 liability if all of the following apply:

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

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

224 (c) The person creating or editing the media had actual
225 knowledge of or acted in reckless disregard as to the false

226 implications of the media.

227 (3) This section incorporates the standards set forth
228 under chapter 770 for defamation causes of action to the extent
229 necessary.

230 Section 7. For the purpose of incorporating the amendment
231 made by this act to section 770.05, Florida Statutes, in a
232 reference thereto, section 770.06, Florida Statutes, is
233 reenacted to read:

234 770.06 Adverse judgment in any jurisdiction a bar to
235 additional action.—A judgment in any jurisdiction for or against
236 the plaintiff upon the substantive merits of any action for
237 damages founded upon a single publication or exhibition or
238 utterance as described in s. 770.05 shall bar any other action
239 for damages by the same plaintiff against the same defendant
240 founded upon the same publication or exhibition or utterance.

241 Section 8. For the purpose of incorporating the amendment
242 made by this act to section 770.05, Florida Statutes, in a
243 reference thereto, section 770.07, Florida Statutes, is
244 reenacted to read:

245 770.07 Cause of action, time of accrual.—The cause of
246 action for damages founded upon a single publication or
247 exhibition or utterance, as described in s. 770.05, shall be
248 deemed to have accrued at the time of the first publication or
249 exhibition or utterance thereof in this state.

250 Section 9. For the purpose of incorporating the amendment

251 made by this act to section 770.05, Florida Statutes, in a
252 reference thereto, section 770.08, Florida Statutes, is
253 reenacted to read:

254 770.08 Limitation on recovery of damages.—No person shall
255 have more than one choice of venue for damages for libel founded
256 upon a single publication or exhibition or utterance, as
257 described in s. 770.05, and upon his or her election in any one
258 of his or her choices of venue, then the person shall be bound
259 to recover there all damages allowed him or her.

260 Section 10. If any provision of this act or its
261 application to any person or circumstance is held invalid, the
262 invalidity does not affect other provisions or applications of
263 this act which can be given effect without the invalid provision
264 or application, and to this end the provisions of this act are
265 severable.

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