

Committee on Judiciary

CS/SB 1312 — Strategic Lawsuits Against Public Participation

by Judiciary Committee; and Senators Simmons, Gaetz, and Negron

A strategic lawsuit against public participation, a SLAPP suit, is one ostensibly brought to redress a wrong, but actually brought to silence critics. Under existing s. 768.295, F.S., government entities are prohibited from filing SLAPP suits in retaliation against those who exercise their rights to participate in governmental activities. The statute also provides for the expedited resolution of lawsuits alleged to violate the anti-SLAPP statute.

The bill expands the application of the anti-SLAPP statute by more broadly prohibiting lawsuits filed in retaliation against a person who engaged in otherwise protected free speech. Specifically, the bill protects “free speech in connection with public issues,” which it divides into two categories of protected speech:

- Speech made before a governmental entity in connection with an issue under consideration or review by a governmental entity, and
- Speech in connection with a play, movie, television program, radio broadcast, audiovisual work, book, magazine article, musical work, news report, or other similar work.

The latter category does not require that the speech have any connection or relationship to any government proceeding or any issue before any government entity to be protected by the bill.

The bill also prohibits SLAPP suits from being filed by anyone, not just governmental entities as under current law. Consistently, the bill entitles a defendant to the expeditious resolution of a lawsuit claimed to be a SLAPP suit regardless of who files the suit.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 40-0; House 114-1