By the Committee on Judiciary; and Senator Smith

590-2482-06

1   A bill to be entitled

2   An act relating to actions involving free

3   speech or defamation; creating s. 770.09, F.S.;

4   providing criteria for liability for invasion

5   of privacy for giving publicity to a matter

6   that places a person before the public in a

7   false light; amending s. 95.11, F.S.; limiting

8   the period in which to commence an action;

9   providing an effective date.

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

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13   Section 1. Section 770.09, Florida Statutes, is

14 created to read:

15   770.09 Publicity placing a person in a false light.--A

16 person who gives publicity to a matter concerning another

17 person which places the other person before the public in a

18 false light is subject to liability to the other person for

19 invasion of his or her privacy, if:

20   (1) The false light in which the other person was

21 placed would be highly offensive to a reasonable person; and

22   (2) The actor had knowledge of or acted in reckless

23 disregard as to the falsity of the publicized matter and the

24 false light in which the other person would be placed.

25   Section 2. Paragraph (h) is added to subsection (4) of

26 section 95.11, Florida Statutes, to read:

27   95.11 Limitations other than for the recovery of real

28 property.--Actions other than for recovery of real property

29 shall be commenced as follows:

30   (4) WITHIN TWO YEARS.--

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1   (h) An action for publicity placing a person in a

2 false light pursuant to s. 770.09.

3   Section 3. This act shall take effect July 1, 2006.

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5   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                   COMMITTEE SUBSTITUTE FOR
6   Senate Bill 1346

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8 Replaces the original bill in its entirety.

9 Codifies the common law tort of false light invasion of
   privacy by adopting the Restatement (Second) of Torts
10 definition of false light invasion of privacy.

11 Moves the statute of limitations language from the substantive
   tort provision into a general statutory section on statutes of
12 limitation.

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