



456956

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2015	.	
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The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment

Delete lines 19 - 84
and insert:
right in Florida ~~of Florida's citizens~~ to exercise the ~~their~~
rights of free speech in connection with public issues, and the
rights to peacefully assemble, instruct ~~their~~ representatives,
and petition for redress of grievances before the various
governmental entities of this state as protected by the First
Amendment to the United States Constitution and s. 5, Art. I of
the State Constitution. ~~The Legislature recognizes that~~



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12 ~~“Strategic Lawsuits Against Public Participation” or “SLAPP”~~
13 ~~suits, as they are typically called, have increased over the~~
14 ~~last 30 years and are mostly filed by private industry and~~
15 ~~individuals. However, It is the public policy of this state that~~
16 ~~a person or governmental entity~~ government entities not engage
17 in SLAPP suits because such actions are inconsistent with the
18 right of persons ~~individuals~~ to exercise their constitutional
19 rights of free speech in connection with public issues
20 ~~participate in the state’s institutions of government.~~

21 Therefore, the Legislature finds and declares that prohibiting
22 such lawsuits as herein described ~~by governmental entities~~ will
23 preserve this fundamental state policy, preserve the
24 constitutional rights of persons in Florida ~~citizens~~, and assure
25 the continuation of representative government in this state. It
26 is the intent of the Legislature that such lawsuits be
27 expeditiously disposed of by the courts.

28 ~~(2)(3)~~ As used in this section, the phrase or term:

29 (a) “Free speech in connection with public issues” means
30 any written or oral statement that is protected under applicable
31 law and is made before a governmental entity in connection with
32 an issue under consideration or review by a governmental entity,
33 or is made in or in connection with a play, movie, television
34 program, radio broadcast, audiovisual work, book, magazine
35 article, musical work, news report, or other similar work.

36 (b) “Governmental entity” or “government entity” means the
37 state, including the executive, legislative, and the judicial
38 branches of government and the independent establishments of the
39 state, counties, municipalities, corporations primarily acting
40 as instrumentalities of the state, counties, or municipalities,



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41 districts, authorities, boards, commissions, or any agencies
42 thereof.

43 ~~(3)~~~~(4)~~ A person or ~~No~~ governmental entity in this state may
44 not shall file or cause to be filed, through its employees or
45 agents, any lawsuit, cause of action, claim, cross-claim, or
46 counterclaim against another ~~a~~ person or entity without merit
47 and primarily solely because such person or entity has exercised
48 the constitutional right of free speech in connection with a
49 public issue, or right to peacefully assemble, the right to
50 instruct representatives of government, or and the right to
51 petition for redress of grievances before the various
52 governmental entities of this state, as protected by the First
53 Amendment to the United States Constitution and s. 5, Art. I of
54 the State Constitution.

55 ~~(4)~~~~(5)~~ A person or entity sued by a governmental entity or
56 another person in violation of this section has a right to an
57 expeditious resolution of a claim that the suit is in violation
58 of this section. A person or entity may move ~~petition~~ the court
59 for an order dismissing the action or granting final judgment in
60 favor of that person or entity. The person or entity ~~petitioner~~
61 may file a motion for summary judgment, together with
62 supplemental affidavits, seeking a determination that the
63 claimant's or governmental entity's lawsuit has been brought in
64 violation of this section. The claimant or governmental entity
65 shall thereafter file a its response and any supplemental
66 affidavits. As soon as practicable, the court shall set a
67 hearing on the ~~petitioner's~~ motion, which shall be held at the
68 earliest possible time after the filing of the claimant's or
69 governmental entity's response. The court may award, subject to



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70 the limitations in s. 768.28, the party sued by a governmental
71 entity actual damages arising from a ~~the~~ governmental entity's
72 violation of this section ~~act~~. The court shall award the
73 prevailing party reasonable attorney ~~attorney's~~ fees and