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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) If it appears upon the trial that said article or  
broadcast was published in good faith; that its falsity was due  
to an honest mistake of the facts; that there were reasonable



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12 grounds for believing that the statements in said article or  
13 broadcast were true; and that, within the period of time  
14 specified in subsection (2), a full and fair correction,  
15 apology, or retraction was, in the case of a newspaper or  
16 periodical, published in the same editions or corresponding  
17 issues of the newspaper or periodical in which said article  
18 appeared and in as conspicuous place and type as said original  
19 article or, in the case of a broadcast, the correction, apology,  
20 or retraction was broadcast at a comparable time, then the  
21 plaintiff in such case shall recover only actual damages. For  
22 purposes of this section, if such an article or a broadcast has  
23 been published on the Internet, the article or broadcast must be  
24 permanently removed from the Internet within the time period  
25 provided in paragraph (2) (a) in order to limit recovery to  
26 actual damages as provided in this section.

27 (2) Full and fair correction, apology, or retraction shall  
28 be made:

29 (a) In the case of a broadcast or a daily or weekly  
30 newspaper or periodical, within 10 days after service of  
31 notice.~~†~~

32 (b) In the case of a newspaper or periodical published  
33 semimonthly, within 20 days after service of notice.~~†~~

34 (c) In the case of a newspaper or periodical published  
35 monthly, within 45 days after service of notice.~~†~~ ~~and~~

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

39 Section 2. Section 770.04, Florida Statutes, is amended to  
40 read:



41           770.04 Civil liability of certain media outlets ~~radio or~~  
42 ~~television broadcasting stations~~; care to prevent publication or  
43 utterance required.—

44           (1) The owner, licensee, or operator of a radio or  
45 television broadcasting station or a newspaper, and the agents  
46 or employees of any such owner, licensee, or operator, shall not  
47 be liable for any damages for any defamatory statement published  
48 or uttered in or as a part of a radio or television broadcast or  
49 newspaper article, by one other than such owner, licensee, or  
50 operator, or general agent or employees thereof, unless it is  
51 ~~shall be~~ alleged and proved by the complaining party, that such  
52 owner, licensee, operator, general agent, or employee, has  
53 failed to exercise due care to prevent the publication or  
54 utterance of such statement in such broadcasts or newspaper  
55 articles, provided, however, the exercise of due care shall be  
56 construed to include the bona fide compliance with any federal  
57 law or the regulation of any federal regulatory agency.

58           (2) When an owner, a licensee, or an operator described in  
59 subsection (1) publishes a defamatory statement on the Internet  
60 with no knowledge of falsity of the statement and thereafter  
61 receives notice that such statement has been found in a judicial  
62 proceeding to be false, or receives notice of facts that would  
63 cause a reasonable person to conclude that such statement was  
64 false, and the owner, licensee, or operator fails to take  
65 reasonable steps to permanently remove the statement and any  
66 related report from the Internet, the continued appearance of  
67 such statement or report on the Internet after the notice shall  
68 be a new publication for purpose of the statute of limitations,  
69 and the owner, licensee, or operator shall not be entitled to a



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70 fair reporting privilege for such new publication.

71 Section 3. Section 770.05, Florida Statutes, is amended to  
72 read:

73 770.05 Limitation of choice of venue.—

74 (1) As used in this chapter, the term "defamation or  
75 privacy tort" means libel, slander, invasion of privacy, or any  
76 other tort founded upon any single publication, exhibition, or  
77 utterance, such as any one edition of a newspaper, book, or  
78 magazine, any one presentation to an audience, any one broadcast  
79 over radio or television, any one exhibition of a motion  
80 picture, or any one publication, exhibition, or utterance on the  
81 Internet.

82 (2) A ~~No~~ person may not shall have more than one choice of

83 venue for damages for a defamation or privacy tort ~~libel or~~  
84 ~~slander, invasion of privacy, or any other tort founded upon any~~  
85 ~~single publication, exhibition, or utterance, such as any one~~  
86 ~~edition of a newspaper, book, or magazine, any one presentation~~  
87 ~~to an audience, any one broadcast over radio or television, or~~  
88 ~~any one exhibition of a motion picture.~~ Recovery in any action  
89 shall include all damages for any such tort suffered by the  
90 plaintiff in all jurisdictions.

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

93 (a) Damages for a defamation or privacy tort are based on  
94 material broadcast over radio or television, venue is proper in  
95 any county in which the material was accessed.

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



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99           Section 4. Section 770.107, Florida Statutes, is created to  
100 read:

101           770.107 Veracity hearings in defamation or privacy tort  
102 actions.-

103           (1) Upon motion by any party to a cause of action brought  
104 under this chapter, the court shall conduct an evidentiary  
105 hearing to determine:

106           (a) Whether a statement is a statement of fact or an  
107 opinion.

108           (b) The veracity of any statement of fact that constitutes  
109 the basis for the cause of action.

110           (2) Unless otherwise agreed to by the parties, the court  
111 shall hear the motion within 60 days after service of the  
112 motion.

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

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

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

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

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

126           (5) The court shall assess against the nonprevailing party  
127 the reasonable attorney fees and costs associated with the



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128 hearing.

129 (6) This section applies only to actions against a  
130 newspaper or a periodical, whether in print or electronic  
131 format; a broadcast station; or an employee, an agent, or a  
132 contractor of such an entity that routinely publishes news or  
133 information of a public character or interest or value.

134 Section 5. Section 770.11, Florida Statutes, is created to  
135 read:

136 770.11 Presumption regarding anonymous sources when the  
137 statement made about a public figure is false.—If a public  
138 figure plaintiff can establish that a published statement is  
139 false and that the publisher relied on an anonymous source for  
140 the statement, there is a rebuttable presumption that the  
141 publisher acted with actual malice in publishing the statement.

142 Section 6. Section 770.15, Florida Statutes, is created to  
143 read:

144 770.15 Using artificial intelligence to place person in  
145 false light.—

146 (1) As used in this section, the term “artificial  
147 intelligence” means the theory and development of computer  
148 systems that are designed to simulate human intelligence through  
149 machine learning and perform tasks that would normally require  
150 human involvement, such as visual perception, speech  
151 recognition, decisionmaking, and translation between languages.

152 (2) A person who uses artificial intelligence to create or  
153 edit any form of media so that it attributes something false to  
154 or leads a reasonable viewer to believe something false about  
155 another person is subject to liability if all of the following  
156 apply:



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

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

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

163        (3) This section incorporates the standards set forth under  
164 this chapter for defamation causes of action to the extent  
165 necessary.

166        Section 7. For the purpose of incorporating the amendment  
167 made by this act to section 770.05, Florida Statutes, in a  
168 reference thereto, section 770.06, Florida Statutes, is  
169 reenacted to read:

170        770.06 Adverse judgment in any jurisdiction a bar to  
171 additional action.—A judgment in any jurisdiction for or against  
172 the plaintiff upon the substantive merits of any action for  
173 damages founded upon a single publication or exhibition or  
174 utterance as described in s. 770.05 shall bar any other action  
175 for damages by the same plaintiff against the same defendant  
176 founded upon the same publication or exhibition or utterance.

177        Section 8. For the purpose of incorporating the amendment  
178 made by this act to section 770.05, Florida Statutes, in a  
179 reference thereto, section 770.07, Florida Statutes, is  
180 reenacted to read:

181        770.07 Cause of action, time of accrual.—The cause of  
182 action for damages founded upon a single publication or  
183 exhibition or utterance, as described in s. 770.05, shall be  
184 deemed to have accrued at the time of the first publication or  
185 exhibition or utterance thereof in this state.



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186 Section 9. For the purpose of incorporating the amendment  
187 made by this act to section 770.05, Florida Statutes, in a  
188 reference thereto, section 770.08, Florida Statutes, is  
189 reenacted to read:

190 770.08 Limitation on recovery of damages.—No person shall  
191 have more than one choice of venue for damages for libel founded  
192 upon a single publication or exhibition or utterance, as  
193 described in s. 770.05, and upon his or her election in any one  
194 of his or her choices of venue, then the person shall be bound  
195 to recover there all damages allowed him or her.

196 Section 10. If any provision of this act or its application  
197 to any person or circumstance is held invalid, the invalidity  
198 does not affect other provisions or applications of this act  
199 which can be given effect without the invalid provision or  
200 application, and to this end the provisions of this act are  
201 severable.

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

203  
204 ===== T I T L E A M E N D M E N T =====

205 And the title is amended as follows:

206 Delete everything before the enacting clause  
207 and insert:

208 A bill to be entitled  
209 An act relating to defamation, false light, and  
210 unauthorized publication of name or likenesses;  
211 amending s. 770.02, F.S.; requiring that certain  
212 articles or broadcasts be removed from the Internet  
213 within a specified period to limit damages for  
214 defamation; amending s. 770.04, F.S.; providing





215 persons in certain positions relating to newspapers  
216 with immunity for defamation if such persons exercise  
217 due care to prevent publication or utterance of such a  
218 statement; requiring removal of defamatory statements  
219 from the Internet in certain circumstances; amending  
220 s. 770.05, F.S.; defining the term "defamation or  
221 privacy tort"; providing venue for damages for a  
222 defamation or privacy tort based on material broadcast  
223 over radio or television; providing venue for damages  
224 for a defamation or privacy tort based on material  
225 published, exhibited, or uttered on the Internet;  
226 creating s. 770.107, F.S.; requiring the court to  
227 conduct an evidentiary hearing upon motion by any  
228 party to a cause of action; specifying determinations  
229 to be made on such a motion; providing the timeframe  
230 for a hearing on such motions; limiting the court's  
231 review of such a motion; specifying that a certain  
232 finding may not be made in ruling on such a motion;  
233 requiring the court to assess against the  
234 nonprevailing party reasonable attorney fees and costs  
235 for such hearing; providing applicability; creating s.  
236 770.11, F.S.; providing a rebuttable presumption that  
237 a publisher of a false statement acted with actual  
238 malice in certain circumstances; creating s. 770.15,  
239 F.S.; defining the term "artificial intelligence";  
240 providing that a person who uses artificial  
241 intelligence to create or edit any form of media in a  
242 certain manner is subject to liability in certain  
243 circumstances; incorporating certain standards;



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244       reenacting ss. 770.06, 770.07, and 770.08, F.S.,  
245       relating to adverse judgment in any jurisdiction as a  
246       bar to additional action, cause of action and time of  
247       accrual, and limitation on recovery of damages,  
248       respectively, to incorporate the amendment made to s.  
249       770.05, F.S., in references thereto; providing for  
250       severability; providing an effective date.