

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; creating s. 770.107, F.S.; providing for
19 a motion for a veracity hearing in a defamation or
20 privacy tort action; specifying determinations to be
21 made on such a motion; providing a timeframe for a
22 hearing; limiting the court's review of such a motion;
23 specifying that a certain finding may not be made in
24 ruling on such a motion; creating s. 770.11, F.S.;
25 providing a rebuttable presumption that a publisher of

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

39
 40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Section 770.02, Florida Statutes, is amended to
 43 read:

44 770.02 Correction, apology, or retraction by newspaper or
 45 broadcast station.—

46 (1) If it appears upon the trial that said article or
 47 broadcast was published in good faith; that its falsity was due
 48 to an honest mistake of the facts; that there were reasonable
 49 grounds for believing that the statements in said article or
 50 broadcast were true; and that, within the period of time

51 | specified in subsection (2), a full and fair correction,
 52 | apology, or retraction was, in the case of a newspaper or
 53 | periodical, published in the same editions or corresponding
 54 | issues of the newspaper or periodical in which said article
 55 | appeared and in as conspicuous place and type as said original
 56 | article or, in the case of a broadcast, the correction, apology,
 57 | or retraction was broadcast at a comparable time, then the
 58 | plaintiff in such case shall recover only actual damages. For
 59 | purposes of this section, if such an article or a broadcast has
 60 | been published on the Internet, the article or broadcast must be
 61 | permanently removed from the Internet within the time period
 62 | provided in paragraph (2) (a) in order to limit recovery to
 63 | actual damages as provided in this section.

64 | (2) Full and fair correction, apology, or retraction shall
 65 | be made:

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

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

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

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

76 Section 2. Section 770.04, Florida Statutes, is amended to
 77 read:

78 770.04 Civil liability of certain media outlets ~~radio or~~
 79 ~~television broadcasting stations~~; care to prevent publication or
 80 utterance required.—

81 (1) The owner, licensee, or operator of a radio or
 82 television broadcasting station or a newspaper, and the agents
 83 or employees of any such owner, licensee, or operator, shall not
 84 be liable for any damages for any defamatory statement published
 85 or uttered in or as a part of a radio or television broadcast or
 86 newspaper article, by one other than such owner, licensee, or
 87 operator, or general agent or employees thereof, unless it is
 88 ~~shall be~~ alleged and proved by the complaining party, that such
 89 owner, licensee, operator, general agent, or employee, has
 90 failed to exercise due care to prevent the publication or
 91 utterance of such statement in such broadcasts or newspaper
 92 articles, provided, however, the exercise of due care shall be
 93 construed to include the bona fide compliance with any federal
 94 law or the regulation of any federal regulatory agency.

95 (2) When an owner, a licensee, or an operator described in
 96 subsection (1) publishes a defamatory statement on the Internet
 97 with no knowledge of falsity of the statement and thereafter
 98 receives notice that such statement has been found in a judicial
 99 proceeding to be false, or receives notice of facts that would
 100 cause a reasonable person to conclude that such statement was

101 false, and the owner, licensee, or operator fails to take
102 reasonable steps to permanently remove the statement and any
103 related report from the Internet, the continued appearance of
104 such statement or report on the Internet after the notice shall
105 be a new publication for purpose of the statute of limitations,
106 and the owner, licensee, or operator shall not be entitled to a
107 fair reporting privilege for such new publication.

108 Section 3. Section 770.05, Florida Statutes, is amended to
109 read:

110 770.05 Limitation of choice of venue.—

111 (1) As used in this chapter, the term "defamation or
112 privacy tort" means libel, slander, invasion of privacy, or any
113 other tort founded upon any single publication, exhibition, or
114 utterance, such as any one edition of a newspaper, book, or
115 magazine, any one presentation to an audience, any one broadcast
116 over radio or television, any one exhibition of a motion
117 picture, or any one publication, exhibition, or utterance on the
118 Internet.

119 (2) A ~~No~~ person may not ~~shall~~ have more than one choice of
120 venue for damages for a defamation or privacy tort ~~libel or~~
121 ~~slander, invasion of privacy, or any other tort founded upon any~~
122 ~~single publication, exhibition, or utterance, such as any one~~
123 ~~edition of a newspaper, book, or magazine, any one presentation~~
124 ~~to an audience, any one broadcast over radio or television, or~~
125 ~~any one exhibition of a motion picture.~~ Recovery in any action

126 shall include all damages for any such tort suffered by the
 127 plaintiff in all jurisdictions.

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

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

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

136 Section 4. Section 770.107, Florida Statutes, is created
 137 to read:

138 770.107 Veracity hearings in defamation or privacy tort
 139 actions.—

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

143 (a) Whether a statement is a statement of fact or an
 144 opinion.

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

147 (2) Unless otherwise agreed to by the parties, the court
 148 shall hear the motion within 60 days after service of the
 149 motion.

150 (3) The court's review of the motion shall be limited

151 solely to determining whether a statement is a statement of fact
 152 or an opinion and the veracity of the statement of fact at issue
 153 in the underlying cause of action.

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

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

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

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

163 Section 5. Section 770.11, Florida Statutes, is created to
 164 read:

165 770.11 Presumption regarding anonymous sources when the
 166 statement made about a public figure is false.—If a public
 167 figure plaintiff can establish that a published statement is
 168 false and that the publisher relied on an anonymous source for
 169 the statement, there is a rebuttable presumption that the
 170 publisher acted with actual malice in publishing the statement.

171 Section 6. Section 770.15, Florida Statutes, is created to
 172 read:

173 770.15 Using artificial intelligence to place person in
 174 false light.—

175 (1) As used in this section, the term "artificial

176 intelligence" means the theory and development of computer
177 systems that are designed to simulate human intelligence through
178 machine learning and perform tasks that would normally require
179 human involvement, such as visual perception, speech
180 recognition, decisionmaking, and translation between languages.

181 (2) A person who uses artificial intelligence to create or
182 edit any form of media so that it attributes something false to
183 or leads a reasonable viewer to believe something false about
184 another person is subject to liability if all of the following
185 apply:

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

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

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

192 (3) This section incorporates the standards set forth
193 under chapter 770 for defamation causes of action to the extent
194 necessary.

195 Section 7. For the purpose of incorporating the amendment
196 made by this act to section 770.05, Florida Statutes, in a
197 reference thereto, section 770.06, Florida Statutes, is
198 reenacted to read:

199 770.06 Adverse judgment in any jurisdiction a bar to
200 additional action.—A judgment in any jurisdiction for or against

201 the plaintiff upon the substantive merits of any action for
 202 damages founded upon a single publication or exhibition or
 203 utterance as described in s. 770.05 shall bar any other action
 204 for damages by the same plaintiff against the same defendant
 205 founded upon the same publication or exhibition or utterance.

206 Section 8. For the purpose of incorporating the amendment
 207 made by this act to section 770.05, Florida Statutes, in a
 208 reference thereto, section 770.07, Florida Statutes, is
 209 reenacted to read:

210 770.07 Cause of action, time of accrual.—The cause of
 211 action for damages founded upon a single publication or
 212 exhibition or utterance, as described in s. 770.05, shall be
 213 deemed to have accrued at the time of the first publication or
 214 exhibition or utterance thereof in this state.

215 Section 9. For the purpose of incorporating the amendment
 216 made by this act to section 770.05, Florida Statutes, in a
 217 reference thereto, section 770.08, Florida Statutes, is
 218 reenacted to read:

219 770.08 Limitation on recovery of damages.—No person shall
 220 have more than one choice of venue for damages for libel founded
 221 upon a single publication or exhibition or utterance, as
 222 described in s. 770.05, and upon his or her election in any one
 223 of his or her choices of venue, then the person shall be bound
 224 to recover there all damages allowed him or her.

225 Section 10. If any provision of this act or its

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226 | application to any person or circumstance is held invalid, the
227 | invalidity does not affect other provisions or applications of
228 | this act which can be given effect without the invalid provision
229 | or application, and to this end the provisions of this act are
230 | severable.

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