

# Community Association Board Members Can be Considered Limited Purpose Public Figures in Defamation Cases

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There is a growing body of case law around the country which would make it more difficult for an allegedly defamed community association board member to successfully pursue his or her day in court. Is a community association board member an average, private citizen or is a community association board member really a special category of public figure open to more scrutiny?

Can a community association board member be considered a limited purpose public figure and therefore held to the higher standard of actual malice when bringing a defamation claim in Florida? If so, what are the criteria for establishing a community association board member as a limited purpose public figure for defamation purposes?

To state a cause of action for defamation in Florida, a plaintiff must allege that:

- 1) the defendant published a false statement;
- 2) the statement was made about the plaintiff;
- 3) the statement was made to a third party; and
- 4) the falsity of the statement caused injury to the plaintiff.

There are two basic types of figures in regard to defamation cases –private figures and public figures. Those who are not classified as public figures are considered private figures. Assuming the four prongs needed to file a cause of action are met, defending a defamation lawsuit filed by a public figure is typically much easier than defending one filed by a private figure. There are two types of public figures recognized under defamation law: “public officials or public figures” and “limited–purpose public figures.”

All-purpose public figures are private individuals who occupy “positions of such

persuasive power and influence that they are deemed public figure for all purposes. . . . They invite attention and comment.”<sup>4</sup> Examples of such figures would include President Trump, Governor Scott, Bill Gates, Paris Hilton, any candidate for elected public office, etc.

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