

*Florida Private Whistleblower Statute - Third Element.*

The third element that each plaintiff must prove is that the defendant took a retaliatory personnel action against the plaintiff because of the plaintiff's threat to disclose, and, or in the alternative, an objection to or refusal to participate in, an activity policy or practice of the defendant which the plaintiff had a reasonable and good-faith belief constituted a violation of the FCC prohibition against the deliberate falsification or distortion of the news. For shorthand, we will refer to a reasonable, good faith threat by a plaintiff to disclose conduct, or an objection or refusal to participate in an action of the employer, as "statutorily protected activity."

An employee may not recover in any action brought under the private whistleblower statute if the retaliatory personnel action was predicated upon a ground other than the employee's exercise of a right protected by the whistleblower statute.