

By Senator Sullivan

22-150-98

1 A bill to be entitled
2 An act relating to journalism; creating s.
3 90.5015, F.S.; creating a privilege for
4 professional journalists to refuse to be a
5 witness or to disclose specified information;
6 providing definitions; authorizing courts to
7 order disclosure of certain information;
8 providing for nonwaiver of the privilege;
9 providing severability; providing an effective
10 date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 90.5015, Florida Statutes, is
15 created to read:

16 90.5015 Journalist's privilege.--

17 (1) For purposes of this section, the term:

18 (a) "Professional journalist" means a person regularly
19 engaged in collecting, photographing, recording, writing,
20 editing, reporting, or publishing news, for gain or
21 livelihood.

22 (b) "Information" means information sought or obtained
23 by a journalist while working as a salaried employee of, or
24 independent contractor for, a newspaper, news journal, news
25 agency, press association, wire service, radio or television
26 station, network, or news magazine.

27 (c) "News" means information of public concern
28 relating to local, statewide, national, or worldwide issues or
29 events.

30 (2) Upon demonstration by affidavit or other competent
31 evidence that a professional journalist was engaged in

1 gathering news when receiving information, a professional
2 journalist has a qualified privilege not to be a witness
3 concerning, and not to disclose, information, including the
4 identity of any source, which the professional journalist has
5 obtained while actively gathering news. This privilege applies
6 only to information or eyewitness observations obtained within
7 the normal scope of employment and does not apply to physical
8 evidence of crime. A party seeking to overcome this privilege
9 must make a clear and specific showing that:

10 (a) The information is relevant and material to
11 unresolved issues that have been raised in the proceeding for
12 which the information is sought;

13 (b) The information cannot be obtained from
14 alternative sources; and

15 (c) A compelling interest exists for requiring
16 disclosure of the information.

17 (3) A court shall order disclosure pursuant to
18 subsection (2) only of that portion of the information for
19 which the showing under subsection (2) has been made and shall
20 support such order with clear and specific findings made after
21 a hearing.

22 (4) A professional journalist does not waive the
23 privilege provided by subsection (2) by disclosing all or any
24 part of the information protected by the privilege to any
25 other person, notwithstanding s. 90.507.

26 (5) This section must not be construed to limit any
27 privilege or right provided to a professional journalist under
28 law.

29 (6) If any provision of this section or its
30 application to any particular person or circumstance is held
31 invalid, that provision or its application is severable and

