

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 for an affidavit of authenticity;
10 providing severability; providing an effective
11 date.

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

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

17 90.5015 Journalist's privilege.--

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

19 (a) "Professional journalist" means a person regularly
20 engaged in collecting, photographing, recording, writing,
21 editing, reporting, or publishing news, for gain or
22 livelihood, who obtained the information sought while working
23 as a salaried employee of, or independent contractor for, a
24 newspaper, news journal, news agency, press association, wire
25 service, radio or television station, network, or news
26 magazine. Book authors and others who are not professional
27 journalists, as defined in this paragraph, are not included in
28 the provisions of this section.

29 (b) "News" means information of public concern
30 relating to local, statewide, national, or worldwide issues or
31 events.

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

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

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

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

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

23 (4) A professional journalist does not waive the
24 privilege by publishing or broadcasting information.

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

28 (6) Authentication: Photographs, diagrams, video
29 recordings, audio recordings, computer records, or other
30 business records maintained, disclosed, provided, or produced
31 by a professional journalist, or by the employer or principal

1 of a professional journalist, may be authenticated for
2 admission in evidence upon a showing, by affidavit of the
3 professional journalist, or other individual with personal
4 knowledge, that the photograph, diagram, video recording,
5 audio recording, computer record, or other business record is
6 a true and accurate copy of the original, and that the copy
7 truly and accurately reflects the observations and facts
8 contained therein.

9 (7) If the affidavit of authenticity and accuracy, or
10 other relevant factual circumstance, causes the court to have
11 clear and convincing doubts as to the authenticity or accuracy
12 of the proffered evidence, the court may decline to admit such
13 evidence.

14 (8) If any provision of this section or its
15 application to any particular person or circumstance is held
16 invalid, that provision or its application is severable and
17 does not affect the validity of other provisions or
18 applications of this section.

19 Section 2. This act shall take effect upon becoming a
20 law.