

By Representatives Rojas and Diaz de la Portilla

1 A bill to be entitled
2 An act relating to a professional journalist's
3 privilege; creating s. 90.5015, F.S.; providing
4 definitions; providing to a professional
5 journalist the privilege not to be a witness
6 concerning, and not to disclose any matter or
7 produce an object, writing, or recording
8 revealing, certain information; providing for a
9 hearing, specified showing, and a court order
10 for disclosure of certain nonconfidential
11 information; prescribing guidelines with
12 respect to nonwaiver and construction of the
13 privilege; providing for severability;
14 providing an effective date.

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

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18 Section 1. Section 90.5015, Florida Statutes, is
19 created to read:

20 90.5015 Journalist's privilege.--

21 (1) For purposes of this section:

22 (a) "Professional journalist" means a person engaged
23 in the gathering, preparing, collecting, writing, editing,
24 analysis, filming, taping, photographing, or publishing of
25 news for publication by a newspaper, magazine, news agency,
26 press association, radio or television station, cable
27 television system, wire service, or any other professional
28 medium of mass communications that has as one of its regular
29 functions the publication of news to the public.

30 (b) "News" means any information of real public
31 concern or information affecting the public welfare.

1 (2) A professional journalist has a privilege not to
2 be a witness concerning, and not to disclose any matter or
3 produce any object, writing, or recording that reveals:

4 (a) Any information, including the identity of any
5 source, that the professional journalist has received in the
6 course of gathering news, has agreed with the source of the
7 information to keep confidential, and has kept confidential;
8 and

9 (b) Any information, including the identity of any
10 source, that the professional journalist has received in the
11 course of gathering news but for which the professional
12 journalist has no privilege to refuse to disclose pursuant to
13 paragraph (a), unless the party seeking such information has
14 made a clear and specific showing that:

15 1. The information is relevant and material to
16 unresolved issues that have been raised in the proceeding for
17 which the information is sought;

18 2. The information cannot be obtained from alternative
19 sources; and

20 3. A compelling interest exists for requiring
21 disclosure of the information.

22 (3) A court shall order disclosure pursuant to
23 paragraph (2)(b) only of that portion, or portions, of the
24 information for which the showing under paragraph (2)(b) has
25 been made and shall support such order with clear and specific
26 findings made after a hearing.

27 (4) A professional journalist does not waive the
28 privilege provided by paragraph (2)(b) by disclosing all or
29 any part of the information protected by the privilege to any
30 other person, notwithstanding s. 90.507.

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