

By the Committee on Civil Justice & Claims and
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 writing or recording revealing, certain
8 information; providing for a hearing, specified
9 showing, and a court order for disclosure of
10 certain nonconfidential information;
11 prescribing guidelines with respect to
12 nonwaiver and construction of the privilege;
13 providing for severability; providing an
14 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 writing or recording that reveals any information,
4 including the identity of any source, that the professional
5 journalist has received in the course of gathering news,
6 unless the party seeking such information has made a clear and
7 specific showing that:

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

11 (b) The information cannot be obtained from
12 alternative sources; and

13 (c) A compelling interest exists for requiring
14 disclosure of the information.

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

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

24 (5) No provision of this section shall be construed to
25 limit any privilege or right provided to a professional
26 journalist under law.

27 (6) If any provision of this section or its
28 application to any particular person or circumstance is held
29 invalid, that provision or its application shall be deemed
30 severable and shall not affect the validity of other
31 provisions or applications of this section.

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