

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Andrade offered the following:

**Amendment (with title amendment)**

Between lines 27 and 28, insert:

Section 1. Section 770.02, Florida Statutes, is amended to read:

770.02 Correction, apology, or retraction by newspaper or broadcast station.—

(1) If it appears upon the trial that said article or broadcast was published in good faith; that its falsity was due to an honest mistake of the facts; that there were reasonable grounds for believing that the statements in said article or broadcast were true; and that, within the period of time specified in subsection (2), a full and fair correction, apology, or retraction was, in the case of a newspaper or

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17 | periodical, published in the same editions or corresponding  
18 | issues of the newspaper or periodical in which said article  
19 | appeared and in as conspicuous place and type as said original  
20 | article or, in the case of a broadcast, the correction, apology,  
21 | or retraction was broadcast at a comparable time, then the  
22 | plaintiff in such case shall recover only actual damages. For  
23 | purposes of this section, if such an article or broadcast has  
24 | been published on the Internet, the article or broadcast must be  
25 | permanently removed from the Internet within the time period  
26 | provided in paragraph (2) (a) in order to limit recovery to  
27 | actual damages as provided in this section.

28 | (2) Full and fair correction, apology, or retraction shall  
29 | be made:

30 | (a) In the case of a broadcast or a daily or weekly  
31 | newspaper or periodical, within 10 days after service of  
32 | notice.~~;~~

33 | (b) In the case of a newspaper or periodical published  
34 | semimonthly, within 20 days after service of notice.~~;~~

35 | (c) In the case of a newspaper or periodical published  
36 | monthly, within 45 days after service of notice.~~;~~~~and~~

37 | (d) In the case of a newspaper or periodical published  
38 | less frequently than monthly, in the next issue, provided notice  
39 | is served no later than 45 days prior to such publication.

40 | Section 2. Section 770.04, Florida Statutes, is amended to  
41 | read:

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42           770.04 Civil liability of certain media outlets ~~radio or~~  
43 ~~television broadcasting stations~~; care to prevent publication or  
44 utterance required.—

45           (1) The owner, licensee, or operator of a radio or  
46 television broadcasting station or a newspaper, and the agents  
47 or employees of any such owner, licensee, or operator, shall not  
48 be liable for any damages for any defamatory statement published  
49 or uttered in or as a part of a radio or television broadcast or  
50 newspaper article, by one other than such owner, licensee, or  
51 operator, or general agent or employees thereof, unless it is  
52 ~~shall be~~ alleged and proved by the complaining party, that such  
53 owner, licensee, operator, general agent, or employee, has  
54 failed to exercise due care to prevent the publication or  
55 utterance of such statement in such broadcasts or newspaper  
56 articles, provided, however, the exercise of due care shall be  
57 construed to include the bona fide compliance with any federal  
58 law or the regulation of any federal regulatory agency.

59           (2) When an owner, a licensee, or an operator described in  
60 subsection (1) publishes a defamatory statement on the Internet  
61 with no knowledge of falsity of the statement and thereafter  
62 receives notice that such statement has been found in a judicial  
63 proceeding to be false, or receives notice of facts that would  
64 cause a reasonable person to conclude that such statement was  
65 false, and the owner, licensee, or operator fails to take  
66 reasonable steps to permanently remove the statement and any

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67 related report from the Internet, the continued appearance of  
68 such statement or report on the Internet after the notice shall  
69 be a new publication for purpose of the statute of limitations,  
70 and the owner, licensee, or operator shall not be entitled to a  
71 fair reporting privilege for such new publication.

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**T I T L E   A M E N D M E N T**

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Between lines 3 and 4, insert:

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amending s. 770.02, F.S.; requiring that certain articles

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or broadcasts be removed from the Internet within a

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specified period to limit damages for defamation; amending

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s. 770.04, F.S.; providing persons in certain positions

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relating to newspapers with immunity for defamation if such

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persons exercise due care to prevent utterance of such a

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statement; requiring removal of defamatory statements from

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the Internet in certain circumstances;