

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WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
2 Subcommittee

3 Representative Grow offered the following:

4

5 **Amendment (with directory and title amendments)**

6 Remove lines 35-67 and insert:

7 permanently removed from any website over which the newspaper,
8 broadcaster, or periodical has control within the time period
9 provided in paragraph (2) (a) in order to limit recovery to
10 actual damages as provided in this section.

11 (2) Full and fair correction, apology, or retraction shall
12 be made:

13 (a) In the case of a broadcast or a daily or weekly
14 newspaper or periodical, within 10 days after service of
15 notice.

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

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

20 (d) In the case of a newspaper or periodical published
21 less frequently than monthly, in the next issue, provided notice
22 is served no later than 45 days before ~~prior to~~ such
23 publication.

24 **Section 2. Section 770.04, Florida Statutes, is amended to**
25 **read:**

26 770.04 Civil liability of certain media outlets ~~radio or~~
27 ~~television broadcasting stations~~; care to prevent publication or
28 utterance required.—

29 (1) The owner, licensee, or operator of a radio or
30 television broadcasting station or a newspaper, and the agents
31 or employees of any such owner, licensee, or operator, are ~~shall~~
32 not be liable for any damages for any defamatory statement
33 published or uttered in or as a part of a radio or television
34 broadcast or newspaper article, by one other than such owner,
35 licensee, or operator, or general agent or employees thereof,
36 unless it is ~~shall be~~ alleged and proved by the complaining
37 party, ~~that~~ such owner, licensee, operator, general agent, or
38 employee, ~~has~~ failed to exercise due care to prevent the
39 publication or utterance of such statement in such broadcasts or
40 newspaper articles, provided, however, the exercise of due care

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41 shall be construed to include the bona fide compliance with any
42 federal law or the regulation of any federal regulatory agency.
43 (2) When an owner, a licensee, or an operator described in
44 subsection (1) publishes a defamatory statement on the Internet
45 with no knowledge of falsity of the statement and thereafter
46 receives notice that such statement has been found in a judicial
47 proceeding to be false, or receives notice of facts that would
48 cause a reasonable person to conclude that such statement was
49 false, and the owner, licensee, or operator fails to take
50 reasonable steps to permanently remove the statement and any
51 related report from any website over which the newspaper,
52 broadcaster, or periodical has control, the continued appearance
53 of such statement or report on such website after the notice is
54 a new publication for purpose of the statute of limitations,

55 -----
56

57 **D I R E C T O R Y A M E N D M E N T**

58 Remove lines 16-17 and insert:

59 **Section 1. Subsections (1) and (2) of section 770.02,**
60 **F.S., are amended to read:**

61 -----
62

63 **T I T L E A M E N D M E N T**

64 Remove lines 4-11 and insert:

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65 | certain articles or broadcasts be removed from
66 | specified websites within a specified period to limit
67 | damages for defamation; amending s. 770.04, F.S.;
68 | providing persons in certain positions relating to
69 | newspapers with immunity for defamation if such
70 | persons exercise due care to prevent publication of a
71 | defamatory statement; requiring removal of defamatory
72 | statements from specified websites in certain
73 | circumstances; providing