

1 A bill to be entitled
2 An act relating to liability for defamatory
3 statements; amending s. 770.02, F.S.; requiring that
4 certain articles or broadcasts be removed from the
5 Internet within a specified period to limit damages
6 for defamation; amending s. 770.04, F.S.; providing
7 persons in certain positions relating to newspapers
8 with immunity for defamation if such persons exercise
9 due care to prevent publication of a defamatory
10 statement; requiring removal of defamatory statements
11 from the Internet in certain circumstances; providing
12 an effective date.

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

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16 **Section 1. Subsection (1) of section 770.02, Florida**
17 **Statutes, is amended to read:**

18 770.02 Correction, apology, or retraction by newspaper or
19 broadcast station.—

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

26 | apology, or retraction was, in the case of a newspaper or
 27 | periodical, published in the same editions or corresponding
 28 | issues of the newspaper or periodical in which said article
 29 | appeared and in as conspicuous place and type as said original
 30 | article or, in the case of a broadcast, the correction, apology,
 31 | or retraction was broadcast at a comparable time, then the
 32 | plaintiff in such case shall recover only actual damages. For
 33 | purposes of this section, if such an article or broadcast has
 34 | been published on the Internet, the article or broadcast must be
 35 | permanently removed from the Internet within the time period
 36 | provided in paragraph (2) (a) in order to limit recovery to
 37 | actual damages as provided in this section.

38 | **Section 2. Section 770.04, Florida Statutes, is amended to**
 39 | **read:**

40 | 770.04 Civil liability of certain media outlets ~~radio or~~
 41 | ~~television broadcasting stations~~; care to prevent publication or
 42 | utterance required.—

43 | (1) The owner, licensee, or operator of a radio or
 44 | television broadcasting station or newspaper, and the agents or
 45 | employees of any such owner, licensee, or operator, shall not be
 46 | liable for any damages for any defamatory statement published or
 47 | uttered in or as a part of a radio or television broadcast or
 48 | newspaper article, by one other than such owner, licensee, or
 49 | operator, or general agent or employees thereof, unless it shall
 50 | be alleged and proved by the complaining party, that such owner,

51 licensee, operator, general agent, or employee, has failed to
52 exercise due care to prevent the publication or utterance of
53 such statement in such broadcast or article ~~broadcasts~~,
54 provided, however, the exercise of due care shall be construed
55 to include the bona fide compliance with any federal law or the
56 regulation of any federal regulatory agency.

57 (2) When an owner, a licensee, or an operator described in
58 subsection (1) publishes a defamatory statement on the Internet
59 with no knowledge of falsity of the statement and thereafter
60 receives notice that such statement has been found in a judicial
61 proceeding to be false, or receives notice of facts that would
62 cause a reasonable person to conclude that such statement was
63 false, and the owner, licensee, or operator fails to take
64 reasonable steps to permanently remove the statement and any
65 related report from the Internet, the continued appearance of
66 such statement or report on the Internet after the notice shall
67 be a new publication for purpose of the statute of limitations,
68 and the owner, licensee, or operator shall not be entitled to a
69 fair reporting privilege for such new publication; provided that
70 no action shall be commenced more than 20 years after the date
71 of first publication.

72 **Section 3.** This act shall take effect July 1, 2025.