

By Senator Simon

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1 A bill to be entitled
2 An act relating to defamation, false light, and
3 unauthorized publication of name or likenesses;
4 amending s. 770.02, F.S.; requiring that certain
5 articles or broadcasts be removed from the Internet
6 within a specified period to limit damages for
7 defamation; amending s. 770.04, F.S.; providing
8 persons in certain positions relating to newspapers
9 with immunity for defamation if such persons exercise
10 due care to prevent publication or utterance of such a
11 statement; declaring that the continued presence on
12 the Internet of a published statement determined to be
13 false is deemed to be a new publication of the false
14 statement for certain purposes and that the owner,
15 licensee, or operator is not entitled to a certain
16 privilege; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 770.02, Florida Statutes, is amended to
21 read:

22 770.02 Correction, apology, or retraction by newspaper or
23 broadcast station.—

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

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

42 (2) Full and fair correction, apology, or retraction shall
43 be made:

44 (a) In the case of a broadcast or a daily or weekly
45 newspaper or periodical, within 10 days after service of
46 notice.~~†~~

47 (b) In the case of a newspaper or periodical published
48 semimonthly, within 20 days after service of notice.~~†~~

49 (c) In the case of a newspaper or periodical published
50 monthly, within 45 days after service of notice.~~†~~ ~~and~~

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

54 Section 2. Section 770.04, Florida Statutes, is amended to
55 read:

56 770.04 Civil liability of certain media outlets ~~radio or~~
57 ~~television broadcasting stations~~; care to prevent publication or
58 utterance required.-

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59 (1) The owner, licensee, or operator of a radio or
60 television broadcasting station or a newspaper, and the agents
61 or employees of any such owner, licensee, or operator, are ~~shall~~
62 not be liable for any damages for any defamatory statement
63 published or uttered in or as a part of a radio or television
64 broadcast or newspaper article, by one other than such owner,
65 licensee, or operator, or general agent or employees thereof,
66 unless it is ~~shall be~~ alleged and proved by the complaining
67 party, that such owner, licensee, operator, general agent, or
68 employee, has failed to exercise due care to prevent the
69 publication or utterance of such statement in such broadcasts or
70 newspaper articles, provided, however, the exercise of due care
71 shall be construed to include the bona fide compliance with any
72 federal law or the regulation of any federal regulatory agency.

73 (2) When an owner, a licensee, or an operator described in
74 subsection (1) publishes a defamatory statement on the Internet
75 with no knowledge of falsity of the statement and thereafter
76 receives notice that such statement has been found in a judicial
77 proceeding to be false, or receives notice of facts that would
78 cause a reasonable person to conclude that such statement was
79 false, and the owner, licensee, or operator fails to take
80 reasonable steps to permanently remove the statement and any
81 related report from the Internet, the continued appearance of
82 such statement or report on the Internet after the notice is
83 deemed a new publication for purpose of the statute of
84 limitations, and the owner, licensee, or operator is not
85 entitled to a fair reporting privilege for such new publication.

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