

By the Committee on Judiciary; and Senator Simon

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2025752c1

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 any website
6 over which the newspaper, broadcaster, or periodical
7 has control within a specified period to limit damages
8 for defamation; amending s. 770.04, F.S.; providing
9 persons in certain positions relating to newspapers
10 with immunity for defamation if such persons exercise
11 due care to prevent publication or utterance of such a
12 statement; declaring that the continued appearance on
13 any website over which the newspaper, broadcaster, or
14 periodical has control of a published statement
15 determined to be false is deemed to be a new
16 publication of the false statement for certain
17 purposes and that the owner, licensee, or operator is
18 not entitled to a certain privilege; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 770.02, Florida Statutes, is amended to
24 read:

25 770.02 Correction, apology, or retraction by newspaper or
26 broadcast station.—

27 (1) If it appears upon the trial that an ~~said~~ article or a
28 broadcast was published in good faith; that its falsity was due
29 to an honest mistake of the facts; that there were reasonable

590-02317-25

2025752c1

30 grounds for believing that the statements in the ~~said~~ article or
31 broadcast were true; and that, within the period of time
32 specified in subsection (2), a full and fair correction,
33 apology, or retraction was, in the case of a newspaper or
34 periodical, published in the same editions or corresponding
35 issues of the newspaper or periodical in which the ~~said~~ article
36 appeared and in as conspicuous place and type as the ~~said~~
37 original article or, in the case of a broadcast, the correction,
38 apology, or retraction was broadcast at a comparable time, then
39 the plaintiff in such case shall recover only actual damages.
40 For purposes of this section, if such an article or a broadcast
41 has been published on the Internet, the article or broadcast
42 must be permanently removed from any website over which the
43 newspaper, broadcaster, or periodical has control within the
44 time period provided in paragraph (2)(a) in order to limit
45 recovery to actual damages as provided in this section.

46 (2) Full and fair correction, apology, or retraction shall
47 be made:

48 (a) In the case of a broadcast or a daily or weekly
49 newspaper or periodical, within 10 days after service of
50 notice.~~†~~

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

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

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

58 Section 2. Section 770.04, Florida Statutes, is amended to

590-02317-25

2025752c1

59 read:

60 770.04 Civil liability of certain media outlets ~~radio or~~
61 ~~television broadcasting stations~~; care to prevent publication or
62 utterance required.—

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

77 (2) If an owner, a licensee, or an operator described in
78 subsection (1) publishes a defamatory statement on the Internet
79 with no knowledge of falsity of the statement and thereafter
80 receives notice that such statement has been found in a judicial
81 proceeding to be false, or receives notice of facts that would
82 cause a reasonable person to conclude that such statement was
83 false, and the owner, licensee, or operator fails to take
84 reasonable steps to permanently remove the statement and any
85 related report from any website over which the newspaper,
86 broadcaster, or periodical has control, the continued appearance
87 of such statement or report on such website after the notice is

590-02317-25

2025752c1

88 deemed a new publication for purpose of the statute of
89 limitations, and the owner, licensee, or operator is not
90 entitled to a fair reporting privilege for such new publication.

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