

By Senator Siplin

19-1115-06

1                                   A bill to be entitled

2           An act relating to defamation; amending s.

3           836.01, F.S.; providing that any person

4           convicted of publishing or broadcasting a libel

5           commits a felony of the third degree; providing

6           criminal penalties; amending s. 836.02, F.S.;

7           prohibiting the broadcasting of certain

8           statements alleging immoral acts of a person;

9           providing that a person who broadcasts such an

10          allegation commits a felony of the third

11          degree; providing criminal penalties; amending

12          s. 836.03, F.S.; providing that an owner or

13          manager of a broadcasting media commits a

14          felony of the third degree for broadcasting a

15          communication that attacks the good name of a

16          person if the communication does not name the

17          reporter of the communication; providing

18          criminal penalties; amending s. 836.09, F.S.;

19          providing that a person who delivers to a

20          publishing or broadcasting media a false

21          statement concerning any other person knowing

22          the statement to be false commits a felony of

23          the third degree; providing criminal penalties;

24          providing an effective date.

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

28           Section 1. Section 836.01, Florida Statutes, is  
29 amended to read:

30           836.01 Punishment for libel.--Any person convicted of  
31 publishing or broadcasting ~~the publication of~~ a libel commits

1 ~~a felony of the third shall be guilty of a misdemeanor of the~~  
2 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.  
3 775.083, or s. 775.084 and must pay a fine of \$5,000.

4 Section 2. Section 836.02, Florida Statutes, is  
5 amended to read:

6 836.02 Must give name of the party written about.--

7 (1) A ~~No~~ person may not ~~shall~~ print, write, publish,  
8 circulate, or distribute within this state any newspaper,  
9 magazine, periodical, pamphlet, or other publication of any  
10 character, either written or printed, and may not broadcast by  
11 radio or television, any communication wherein the alleged  
12 immoral acts of any person are stated or pretended to be  
13 stated, or wherein it is intimated that any person has been  
14 guilty of any immorality, unless the ~~such~~ written or printed  
15 publication or broadcast shall in such article or broadcast  
16 publish or announce in full the true name of the person  
17 intended to be charged with the commission of such acts of  
18 immorality.

19 (2) Any person convicted of any violation of this  
20 section commits a felony of the third ~~shall be guilty of a~~  
21 ~~misdemeanor of the first~~ degree, punishable as provided in s.  
22 775.082, ~~or~~ s. 775.083, or s. 775.084 and must pay a fine of  
23 \$5,000. Any person who shall aid in any way in the writing,  
24 ~~or~~ printing, or broadcasting of any literature or  
25 communication in violation of this section shall be punished  
26 in the same manner as the principal might be punished upon  
27 conviction; however, ~~provided, nothing in~~ this section does  
28 not ~~shall~~ apply to mechanical employees in printing offices or  
29 broadcasting studios, or to newsboys.

30 Section 3. Section 836.03, Florida Statutes, is  
31 amended to read:

1           836.03 Owner or editor of the paper also guilty.--Any  
2 owner, manager, publisher, or editor of any newspaper, ~~or~~  
3 other publication, or broadcasting media who permits any  
4 anonymous communication or communications such as is signed  
5 otherwise than with the true name of the writer or reporter,  
6 and the ~~such~~ name published therewith to appear in the columns  
7 of the publication or broadcast to the public in which ~~said~~  
8 communication any person is attacked in his or her good name,  
9 or it is attempted to bring disgrace or ridicule upon any  
10 person, the ~~such~~ owner, manager, publisher, or editor commits  
11 a felony of the third ~~shall be guilty of a misdemeanor of the~~  
12 ~~first~~ degree, punishable as provided in s. 775.082, or s.  
13 775.083, or s. 775.084 and must pay a fine of \$5,000.

14           Section 4. Section 836.09, Florida Statutes, is  
15 amended to read:

16           836.09 Communicating libelous matter to newspapers;  
17 penalty.--If any person shall state, deliver, or transmit by  
18 any means whatever, ~~to~~ the manager, editor, publisher, or  
19 reporter of any newspaper, ~~or~~ periodical, or broadcast media  
20 for publication therein or broadcast any false and libelous  
21 statement concerning any person, then and there known by the  
22 ~~such~~ person to be false or libelous, and thereby secure the  
23 publication or broadcast of the statement, ~~same~~ he or she  
24 commits a felony of the third ~~shall be guilty of a misdemeanor~~  
25 ~~of the second~~ degree, punishable as provided in s. 775.082, ~~or~~  
26 s. 775.083, or s. 775.084 and must pay a fine of \$5,000.

27           Section 5. This act shall take effect July 1, 2006.  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Provides that any person convicted of publishing or broadcasting a libel or broadcasts a statement alleging certain immoral acts of a person commits a felony of the third degree. Provides that an owner or manager of a broadcasting media commits a felony of the third degree for broadcasting a communication that attacks the good name of a person if the communication does not name the reporter of the communication. Provides that a person who delivers to a publishing or broadcasting media a false statement concerning any other person, knowing the statement to be false, commits a felony of the third degree.