



Written by [Luis Miguel](#) on February 27, 2023

## Media Trembles as Florida GOP Introduces Bill to Fight Fake News

Aware of the propaganda power the mainstream media have long given the Left, some Republicans are deciding to take action to curtail this influence at the policy level.

In Florida, establishment voices are worried about efforts by the GOP-dominated Legislature that would strip away liability protections that journalists have long enjoyed. This proposal, backed by Republican Gov. Ron DeSantis, comes as he has found himself warring with the press, particularly with left-leaning outlets like *The New York Times* and CNN.



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As [Politico](#) notes, Republicans' plan would make it easier to bring defamation lawsuits against the media. It would also lay the groundwork for a legal battle with the hope of eventually having the Supreme Court repeal *New York Times v. Sullivan*, the 1964 SCOTUS ruling that restricts the ability of public officials to sue publishers for defamation.

"There is a strong argument to be made that the Supreme Court overreached," Rep. Alex Andrade, the Florida Republican sponsoring the bill, told *Politico*. "This is not the government shutting down free speech. This is a private cause of action."

Andrade added that he is working with the office of Gov. DeSantis. "I would say I am accepting their input," the lawmaker said.

The governor's office said DeSantis "will make a decision on the merits of the bill in final form if and when it passes and is delivered to the governor's office."

But opponents of the legislation argue the bill is unconstitutional and could have consequences affecting more than the major media outlets.

One critic is Seth Stern, director of advocacy for the Freedom of the Press Foundation.

"I have never seen anything remotely like this legislation," said Stern. "I can't say I have seen every bill ever introduced, but I'd be quite surprised if any state Legislature had seriously considered such a brazen and blatantly unconstitutional attack on speech and press freedoms."

Andrade's bill features measures such as allowing plaintiffs who sue media outlets for defamation to collect attorney's fees; lowering the legal threshold for a "public figure" to sue successfully for defamation; repealing "journalist's privilege" from state law (which presently protects the media from having to reveal the identity of their sources in court) in defamation suits; and adding a section to state law stating that, for the purpose of defamation suits, comments made by anonymous sources are presumed false.

Many of these points are in line with ideas articulated at a roundtable earlier this month at which



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DeSantis, along with right-wing personalities, lawyers, and media experts, spoke of the media's partisan track record.

"The idea that they would create narratives that are contrary to discovering facts, I don't know that was the standard," the governor said at the event. "Now it seems you pursue the narrative, you're trying to advance the narrative and trying to get the clicks, and the fact-checking and contrary facts have just fallen by the wayside."

Stern argued that 49 states, along with a number of appellate courts, recognize the privilege of reporters against court-required disclosure of sources as a means to obtaining reporting without risking the sources' jobs or freedom.

"Journalists do not work for the government and it's none of the government's business how journalists gather news," Stern asserted.

But Andrade defended his bill, saying that the legislation's language would not let judges force journalists to reveal anonymous sources, but rather take away current protections if they choose not to.

As *Politico* reports:

"The law protects journalists from being 'compelled' by judges to disclose anonymous sources, but if a journalist has been sued for defamation, and wants to avoid liability, this section makes clear that they cannot claim a special privilege to avoid disclosing the source of the defamatory information and also avoid liability," Andrade said.

Critics of the bill took issue with the section about attorneys fees, saying it could add a financial incentive to file defamation lawsuits and erode the laws preventing retaliatory lawsuits filed to silence criticism. Florida, like other states, has anti-SLAPP (strategic lawsuits against public participation) laws designed to help stop frivolous lawsuits.

... Andrade said he has personal reasons for wanting to sponsor the bill, including a March 2022 story in the Pensacola News Journal about the state's contentious and long-running push to overhaul its permanent alimony system. The story quotes a woman who receives permanent alimony as part of a divorce saying that Andrade, who sponsored or co-sponsored versions of an alimony bill, "pitched a fit" when he discussed the proposal with her.

In the above controversy, Andrade said the claim made by the woman was false. The lawmaker stated he even offered phone records and witness statements to disprove the reporting that he had cursed her out. But the outlet never called Andrade for a quote.

Clearly, the powerful effect that reporting can have on individuals' lives and on the actions of the electorate cannot be overstated. One of the most dangerous aspects of the media's influence over the public is the ability of journalists to destroy lives on the basis of lies.

Is the media worried that, should the Florida plan become law, they will no longer have the power to act as judge, jury, and executioner over conservatives?



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