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For Immediate Release: February 8, 2023

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FAF OPPOSES CALLS TO WEAKEN FREE SPEECH AND PRESS LAW

The First Amendment Foundation views with alarm calls for legislation that would reduce legal protections for speech about government officials and public figures.

"We are deeply concerned that Florida is attempting to turn back the clock on legally protected free speech that criticizes public figures and elected officials," said First Amendment Foundation Executive Director Bobby Block.

A Tuesday press release from Governor Ron DeSantis' Office called upon the Legislature to adopt legislation making it easier to sue the press. The release followed a roundtable discussion with the governor and media critics in Hialeah Gardens.

The main focus for critics is the 1964 *New York Times Co. v. Sullivan* [U.S. Supreme Court decision](#) and subsequent related cases, in which the court ruled that public officials cannot get legal damages from publications—the press and citizens alike—that report false information unless it was done with "actual malice." That means the speaker must have known statements were false or entertained serious doubts about whether they were publishing truthful information.

Critics of the actual malice standard claim that it makes it impossible for ordinary people to sue the media when there are genuine cases of defamation. The actual malice standard, however, only applies to public officials and public figures, not to private persons suing for defamation.

“We want the public and our legislators to understand the law in question clearly,” said Block. “*NYT v. Sullivan* recognizes federal constitutional protections for free speech and press based on the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include sometimes unpleasant attacks on government and public officials. These rights are guaranteed to the citizens of every state, including Florida, through the Constitution. They are designed to strike a delicate balance between fair comment and mistakes that happen in order to ensure there’s vibrant public discourse. As a result, the actual malice standard does not apply to ordinary people but to only public officials and public figures.

“We strongly urge our elected officials to refrain from attempting to reverse 50 years of legal precedent that has served our democracy well and provided for robust national discussions.”

The First Amendment Foundation is a non-profit organization created in 1985 to safeguard free speech, free press, and open government in Florida from being undermined or diluted during changing times. Our purpose is to protect and advance the public’s constitutional right to open government and access to public records for an informed citizenry and strong democracy. Please support our mission with a donation at FloridaFAF.org

Sincerely yours,

FIRST AMENDMENT FOUNDATION, INC.