Florida bill would make bloggers who write about governor register with state

Enlarge / Florida Gov. Ron DeSantis at a press conference in Daytona Beach Shores on January 18, 2023.
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A proposed law in Florida would force bloggers who write about Gov. Ron DeSantis and other elected officials to register with a state office and file monthly reports or face fines of $25 per day. The bill was filed in the Florida Senate Tuesday by Senator Jason Brodeur, a Republican.

If enacted, the proposed law would likely be challenged in court on grounds that it violates First Amendment protections of freedom of speech and the press. Defending his bill, Brodeur said, “Paid bloggers are lobbyists who write instead of talk. They both are professional electioneers. If lobbyists have to register and report, why shouldn’t paid bloggers?” according to the Florida Politics news website.

The bill text defines bloggers as people who write for websites or webpages that are “frequently updated with opinion, commentary, or business content.” Websites run by newspapers or “similar publications” are excluded from the definition.

The proposed registration requirements apply to bloggers who receive payment in exchange for writing about elected state officers, including “the Governor, the Lieutenant Governor, a Cabinet officer, or any member of the Legislature.” Bloggers who write about a member of the legislature would have to register with the state Office of Legislative Services, while bloggers who write about the governor or other members of the executive branch would have to register with the Commission on Ethics.

“If a blogger posts to a blog about an elected state officer and receives, or will receive, compensation for that post, the blogger must register with the appropriate office… within 5 days after the first post by the blogger which mentions an elected state officer,” the bill said. “Upon registering with the appropriate office, a blogger must file monthly reports on the 10th day following the end of each calendar month from the time a blog post is added to the blog.”

“Hard to imagine” a bigger First Amendment violation

The reports would have to name the “individual or entity that compensated the blogger for the blog post” and specify the “amount of compensation received.” There would be fines “of $25 per day per report for each day late, not to exceed $2,500 per report.” The blogger requirements would use the “same procedure by which lobbyists are notified of the failure to timely file a report and the amount of the assessed fines.”

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“It’s hard to imagine a proposal that would be more violative of the First Amendment,” New York-based civil rights lawyer Ron Kuby said, according to an NBC News article. “We don’t register journalists. People who write cannot be forced to register.”

Scott Wilkens, senior counsel at the Knight First Amendment Institute at Columbia University, told Ars that the “bill raises serious First Amendment concerns about free speech online. It seems very hard to draw a meaningful distinction between paid bloggers who write about the Florida executive or legislative branches and journalists who do the same. The bill regulates speech about issues of public concern—issues that lie at the heart of the First Amendment.”

We also got a statement from Bruce Brown, executive director of the Reporters Committee for Freedom of the Press. “When a bill this plainly unconstitutional is introduced it’s essential that journalists explain to the public why it runs afoul of the First Amendment,” Brown said. “Our system of free expression rejected the British tradition of licensing printers because we recognized that it was the essence of self-rule to have complete freedom to criticize the public officials who act in our name. The registration regime proposed here would encumber that and deny Floridians their right to hear from a variety of voices about the conduct of their elected leaders.”

DeSantis demanded new defamation law

The Florida Legislature is separately considering proposals that would make it easier for people to sue media organizations for defamation; these proposals have also been criticized for harming freedom of speech. Brodeur filed one of the defamation proposals on Monday.

The defamation proposals were spurred by DeSantis, who last month held a roundtable discussion on media defamation and called on the legislature “to protect Floridians from the life-altering ramifications that defamation from the media can cause for a person who does not have the means or the platform to defend himself.”

“We’ve seen over the last generation legacy media outlets increasingly divorce themselves from the truth and instead try to elevate preferred narratives and partisan activism over reporting the facts,” DeSantis said. “When the media attacks me, I have a platform to fight back. When they attack everyday citizens, these individuals don’t have the adequate recourses to fight back. In Florida, we want to stand up for the little guy against these massive media conglomerates.”

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