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HB991: Bad for Florida, bad for America

By Bobby Block

Imagine a world in which newspapers have been bankrupted and shuttered.

Imagine that Reddit, the Drudge Report and Red Pill are no more and that social media platforms forbid political discussion of any stripe.

Imagine that while some television and radio news show still exist, they only feature endless stories about cats and dogs, and fawning coverage of those in power.

Imagine a world in which robust political discussion has been cowed into silence, and all government business takes place behind closed doors, and nobody can talk about what might have transpired in this darkness unless they want to end up broke, unemployed and homeless.

This is not the backdrop of some new Netflix drama about a dystopian future in a galaxy, far, far away. No. This is a possible reality right here in Florida if lawmakers succeed in passing a bill that would lower the threshold for the rich and powerful to sue anybody who says something they don't like.

HB991 is officially called the Defamation, False Light, and Unauthorized Publication of Name or Likenesses Bill. But First Amendment activists like me who have read it call it the "Death to Public Discourse Bill."

Key supporters of HB 991 want you to believe the legislation is about taming the excesses of the "liberal corporate" media by giving the "little guy" a chance to avenge "bad" coverage. But the truth of this bill is all about making it easier for government

officials and their rich and powerful allies to use the courts to punish those who criticize them.

And despite the belief by some conservatives that HB991 would only affect the New York Times, the Miami Herald and CNN if it were to become law, the reality is no information outlet would be spared the depredations of punitive lawsuits under its provisions. Fox, Newsmax, conservative talk radio stations will all feel the sting of this new law as public figures across the political spectrum look to exact their vengeance against inconvenient news coverage and commentary. The fallout would just as likely crush Fox's Tucker Carlson as it would the NYT's Paul Krugman.

More than that, this legislation would also subject bloggers, community groups, average users of social media – in short everybody who wants their voices heard – to the untold financial and emotional burdens of lawsuits.

And the way HB991 is currently written, a story doesn't have to be wrong and damaging to an official to land a reporter, blogger or housewife Facebooker in court. It can merely cast the subject of the story in an unfavorable light.

Gov. Ron DeSantis called for a new defamation bill, saying he wanted to give the Average Joe a chance to clear their name when the press sullies it. But the truth is that defamation and libel suits have never been the tools of ordinary people who often don't have the means to go to court. These lawsuits have all too often been part of the repertoire of powerful figures seeking to bring their critics to heel.

This legislation is hardly a novel move. Throughout history, tyrants on the left and the right as well as powerful Robber Barons have often moved to crush the press in order to control messaging. And the easiest way to crush the press is to weaponize the law against commentators just as HB991 seeks to do.

For those who doubt this could be the rationale of HB991's supporters, look at recent rules by the state forbidding events that do not "align with the state's mission" from taking place at the Florida Capitol. This pre-vetting of purpose is another clear violation of Floridians' First Amendment rights to gather and have their voices heard. Looking at these measures, one can only conclude that free speech is under attack in Florida.

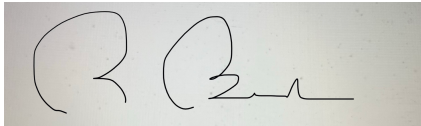
Contrary to what its supporters will say over the next weeks, HB991 is not good for Florida or Floridians. It's not good for Americans as a whole. It would establish a dangerous precedent that impacts all of us by chilling the kind of free discussion that only takes place in free societies.

Even conservative Supreme Court justice Samuel Alito noted this in a ruling a few years ago, writing: "The core purpose of the constitutional protection of freedom of expression is to ensure that all opinions on such issues have a chance to be heard and considered."

So, please protect your freedom of speech by using yours to tell your representatives to throw out HB991.

Bobby Block is Executive Director of the First Amendment Foundation which was founded in 1985 to advance and protect Floridians' rights to free speech, open government and public records.

Sincerely yours,

A rectangular image showing a handwritten signature in black ink on a light-colored background. The signature is cursive and appears to read 'Bobby Block'.

Bobby Block
Executive Director
First Amendment Foundation