

Retraction Law in Florida

Note: This page covers information specific to Florida and should be read in conjunction with the general section on retraction in the section on [Correcting or Retracting Your Work After Publication](#) which has additional information applicable to all states.

Florida has a retraction [statute](#), [Fla. Stat. § 770.02](#), that applies to a newspaper or periodical's "publication" of a [libel](#), or a "broadcast" of a [slander](#). Although the statute does not specifically state whether it covers online publications, the Florida Supreme Court's decision in *Ross v. Gore*, 48 So.2d 412 (Fla. 1950) suggests that an online publisher may be covered by the statute if the publisher's main focus is the dissemination of news.

In *Ross*, the [plaintiff](#) Julian Ross brought suit against publisher R.H. Gore for an allegedly [defamatory](#) editorial published in Gore's newspaper, the *Fort Lauderdale Daily News*. Ross argued that the state's retraction statute violated Florida's constitution because it prevented him from collecting [punitive damages](#). The court disagreed and noted that the retraction statute encouraged the free dissemination of "news" and "fair comment" in a short timeframe by not placing unreasonable restraints on the working news reporter or editor, thus preserving an important component of American democracy. In a later case, an appellate court concluded that the retraction statute applied to *anyone* writing for a newspaper, and based its reasoning on the need to protect the swift dissemination of news in order to inform the public of "pending matters while there is still time for public opinion to form and be felt." *Mancini v. Personalized Air Conditioning & Heating, Inc.*, 702 So.2d 1376 (Fla. Dist. Ct. App. 1997). Both the *Ross* and *Mancini* decisions suggest that future courts may be willing to apply Florida's retraction law to an online publication as long as the publication is dedicated to the rapid dissemination of news.

Handling Requests to Remove or Retract Material in Florida

If someone contacts you with a retraction request, you should first determine whether a retraction is warranted; review the steps under the [handling a retraction request](#) section of this guide for help in making this assessment. If you determine that a retraction is appropriate, you should follow the procedures outlined in the Florida retraction statute so that you can avail yourself of the statutory benefit of limiting potential defamation damages.

Under the Florida retraction statute:

- A plaintiff has **five days to serve written notice identifying the article which contains the allegedly libelous statements and specifying the statements at issue**. See [Fla. Stat. § 770.01](#) for more information on the notice requirement.
- Once the publisher receives the retraction request, the publisher must **publish the correction**,

apology, or retraction within:

- * ten days of notice, for a daily or weekly publication;
- * twenty days of notice, for a semimonthly publication;
- * forty-five days of notice, for a monthly publication; or
- * the next issue, for a work published "less frequently than monthly," as long as the plaintiff serves the notice no later than 45 days prior to such publication.

- The publisher must make a **full and fair correction, apology, or retraction** by placing it "in as conspicuous place and type as [the] original article."

If you comply with these procedures after receiving a retraction request and you are found to be liable for defamation, the plaintiff's ability to recover damages from you will be limited. He or she will be able to recover only for his or her actual economic losses and will not be able to recover general damages (e.g., loss of reputation generally) or punitive damages.

Even if your online publishing activities do not fall within the scope of Florida's retraction statute, your willingness to correct past errors in your work will provide several benefits. It will make your work more accurate and reliable, which will increase your credibility, influence, and (hopefully) your page views. It will also diminish the likelihood of your being sued in the first place, as it might placate the potential plaintiff. Furthermore, courts and juries may find a retraction shows your good faith, which will benefit you in a [defamation](#) suit.

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