

By Senator Latvala

19-567-01

1 A bill to be entitled
2 An act relating to claims by foreign
3 governments; providing legislative findings and
4 intent; creating s. 69.20, F.S.; defining the
5 term "foreign government"; creating s. 69.21,
6 F.S.; specifying procedures to be followed by a
7 foreign government in a civil court action to
8 recover certain costs; creating s. 69.22, F.S.;
9 providing applicability; creating s. 69.23,
10 F.S.; providing grounds for nonrecognition of a
11 foreign judgment; providing severability;
12 providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. The Legislature has observed a growing
17 number of lawsuits being brought in state courts by foreign
18 governments against business defendants seeking to recover the
19 costs of benefits or services allegedly paid for by the
20 foreign governments, directly or indirectly, on behalf of
21 their citizens. These governments seek to recover these costs
22 on an aggregated basis, without even identifying the
23 individuals to whom the benefits or services were provided.
24 The Legislature finds that these lawsuits pose significant
25 risks to the substantive legal rights of defendants and absent
26 third parties and threaten to undermine fundamental principles
27 of fairness and equality under law. The Legislature intends
28 that established legal principles that govern actions for the
29 reimbursement of costs afford no greater rights to
30 foreign-government plaintiffs than are afforded to any other
31 litigants in the courts of this state under similar

1 situations. To the extent that foreign governments are
2 permitted to maintain such actions, the Legislature affirms
3 its commitment to their evenhanded adjudication and to the
4 availability of justice to all litigants on the same terms,
5 including adherence to fair court procedures uniformly applied
6 to all parties to avoid multiple liability and the waste of
7 court resources. The Legislature does not intend to create by
8 this act any right to reimbursement for costs of any kind on
9 the part of any person or entity. Further, the Legislature
10 does not intend to create by this act any new cause of action
11 not already recognized under the laws of this state.

12 Section 2. Section 69.20, Florida Statutes, is created
13 to read:

14 69.20 Definition.--As used in sections 69.20-69.23,
15 the term "foreign government" means the government of any
16 politically sovereign entity other than the United States, the
17 District of Columbia, the Commonwealth of Puerto Rico, the
18 Northern Mariana Islands, the Virgin Islands, Guam, American
19 Samoa, or any other territory or possession of the United
20 States and includes any political subdivision or agency of
21 such entity.

22 Section 3. Section 69.21, Florida Statutes, is created
23 to read:

24 69.21 Claims by foreign governments.--In any civil
25 action in which a foreign government seeks to recover from any
26 defendant costs related to any benefits or services the
27 foreign government has provided or paid for or is obligated
28 directly or indirectly to provide or pay for, the foreign
29 government shall proceed by way of subrogation and shall:

30 (1) Identify all individuals whose expenses it has
31 paid and seeks to recover;

1 (2) Establish every element that each such individual
2 would be required to establish in an action by such individual
3 to recover medical expenses;

4 (3) Be subject to the same defenses that would apply
5 to such individual; and

6 (4) Be subject to the same discovery obligations that
7 would apply in an individual action.

8 Section 4. Section 69.22, Florida Statutes, is created
9 to read:

10 69.22 Choice of law requirements.--The provisions of
11 ss. 69.20-69.23 apply to claims subject to this act whether or
12 not this state's law would otherwise provide the prescribed
13 rules of procedure.

14 Section 5. Section 69.23, Florida Statutes, is created
15 to read:

16 69.23 Grounds for nonrecognition of foreign
17 judgment.--A foreign money judgment awarded to a foreign
18 government based on the payment for benefits or services or
19 the value thereof is not enforceable by the courts of this
20 state if the foreign judgment was rendered in favor of the
21 foreign government in a proceeding that did not satisfy the
22 requirements under ss. 69.20-69.22.

23 Section 6. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 invalidity does not affect other provisions or applications of
26 the act which can be given effect without the invalid
27 provision or application and to this end the provisions of the
28 act are declared severable.

29 Section 7. This act applies to any civil action
30 pending on or after July 1, 2001.

31 Section 8. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Provides a procedure to be followed by foreign governments that bring a civil action in this state to recover costs related to any benefits or services paid for by the foreign government. Defines the term "foreign government." Provides that the procedure applies to claims subject to the act whether or not state law would otherwise so require. Provides that a foreign money judgment awarded to a foreign government is not enforceable in this state if the judgment was rendered in a proceeding that did not satisfy the requirements of the act. The act applies to civil actions pending on or after the effective date of the act.