

By the Committee on Judicial Oversight and Representative
Goodlette

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 WHEREAS, the Legislature has observed a growing number
15 of lawsuits being brought in state courts by foreign
16 governments against business defendants seeking to recover the
17 costs of benefits or services allegedly paid for by the
18 foreign governments, directly or indirectly, on behalf of
19 their citizens, and

20 WHEREAS, these governments seek to recover these costs
21 on an aggregated basis, without even identifying the
22 individuals to whom the benefits or services were provided,
23 and

24 WHEREAS, the Legislature finds that these lawsuits pose
25 significant risks to the substantive legal rights of
26 defendants and absent third parties and threaten to undermine
27 fundamental principles of fairness and equality under law, and

28 WHEREAS, the Legislature intends that established legal
29 principles that govern actions for the reimbursement of costs
30 afford no greater rights to foreign-government plaintiffs than

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1 are afforded to any other litigants in the courts of this
2 state under similar situations, and

3 WHEREAS, to the extent that foreign governments are
4 permitted to maintain such actions, the Legislature affirms
5 its commitment to their evenhanded adjudication and to the
6 availability of justice to all litigants on the same terms,
7 including adherence to fair court procedures uniformly applied
8 to all parties to avoid multiple liability and the waste of
9 court resources, and

10 WHEREAS, the Legislature does not intend to create by
11 this act any right to reimbursement for costs of any kind on
12 the part of any person or entity, and

13 WHEREAS, the Legislature does not intend to create by
14 this act any new cause of action not already recognized under
15 the laws of this state, NOW, THEREFORE,

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

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19 Section 1. Section 69.20, Florida Statutes, is created
20 to read:

21 69.20 Foreign government; definition.--As used in ss.
22 69.20-69.23, the term "foreign government" means the
23 government of any politically sovereign entity other than the
24 United States or any state thereof, the District of Columbia,
25 the Commonwealth of Puerto Rico, the Northern Mariana Islands,
26 the Virgin Islands, Guam, American Samoa, or any other
27 territory or possession of the United States and includes any
28 political subdivision or agency of such entity.

29 Section 2. Section 69.21, Florida Statutes, is created
30 to read:

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1 69.21 Claims by foreign governments.--In any civil
2 action in which a foreign government seeks to recover from any
3 defendant costs related to any benefits or services the
4 foreign government has provided or paid for or is obligated
5 directly or indirectly to provide or pay for, the foreign
6 government shall proceed by way of subrogation and shall:

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

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

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

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

16 Section 3. Section 69.22, Florida Statutes, is created
17 to read:

18 69.22 Choice of law requirements.--The provisions of
19 ss. 69.20-69.23 apply to claims subject to this act whether or
20 not this state's law would otherwise provide the prescribed
21 rules of procedure.

22 Section 4. Section 69.23, Florida Statutes, is created
23 to read:

24 69.23 Grounds for nonrecognition of foreign
25 judgment.--A foreign money judgment awarded to a foreign
26 government based on the payment for benefits or services or
27 the value thereof is not enforceable by the courts of this
28 state if the foreign judgment was rendered in favor of the
29 foreign government in a proceeding that did not satisfy the
30 requirements under ss. 69.20-69.22.

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1 Section 5. If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 invalidity does not affect other provisions or applications of
4 the act which can be given effect without the invalid
5 provision or application and to this end the provisions of
6 this act are declared severable.

7 Section 6. This act shall take effect July 1, 2001,
8 and apply to any civil action pending on or after July 1,
9 2001.

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HOUSE SUMMARY

Specifies procedures to be followed by a foreign government in a civil action to recover costs related to any benefit or services the foreign government has provided or paid for or is obligated to provide or pay for. See bill for details.