

By Senator Deutch

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1 A bill to be entitled
2 An act relating to defamation; amending s. 55.605,
3 F.S.; providing that a foreign judgment that has been
4 declared to be unenforceable by a circuit court need
5 not be enforced; creating s. 55.6054, F.S.;
6 authorizing a person to bring an action for a
7 declaratory judgment regarding the enforceability of
8 foreign judgments based on a cause of action for
9 defamation or similar cause of action; requiring a
10 circuit court to declare such foreign judgments
11 unenforceable under certain circumstances; providing
12 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. Section 55.605, Florida Statutes, is amended to
17 read:

18 55.605 Grounds for nonrecognition.—

19 (1) An out-of-country foreign judgment is not conclusive
20 if:

21 (a) The judgment was rendered under a system which does not
22 provide impartial tribunals or procedures compatible with the
23 requirements of due process of law.

24 (b) The foreign court did not have personal jurisdiction
25 over the defendant.

26 (c) The foreign court did not have jurisdiction over the
27 subject matter.

28 (2) An out-of-country foreign judgment need not be
29 recognized if:

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30 (a) The defendant in the proceedings in the foreign court
31 did not receive notice of the proceedings in sufficient time to
32 enable him or her to defend.

33 (b) The judgment was obtained by fraud.

34 (c) The cause of action or claim for relief on which the
35 judgment is based is repugnant to the public policy of this
36 state.

37 (d) The judgment resulted from a cause of action for
38 defamation or similar cause of action which was declared
39 unenforceable pursuant to s. 55.6054.

40 (e)~~(d)~~ The judgment conflicts with another final and
41 conclusive order.

42 (f)~~(e)~~ The proceeding in the foreign court was contrary to
43 an agreement between the parties under which the dispute in
44 question was to be settled otherwise than by proceedings in that
45 court.

46 (g)~~(f)~~ In the case of jurisdiction based only on personal
47 service, the foreign court was a seriously inconvenient forum
48 for the trial of the action.

49 (h)~~(g)~~ The foreign jurisdiction where judgment was rendered
50 would not give recognition to a similar judgment rendered in
51 this state.

52 Section 2. Section 55.6054, Florida Statutes, is created to
53 read:

54 55.6054 Nonrecognition of repugnant foreign judgments based
55 on defamation.—

56 (1) A resident of this state may bring an action in the
57 circuit court to declare a foreign judgment unenforceable if:

58 (a) The foreign judgment resulted from a cause of action

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59 for defamation or similar cause of action; and

60 (b) The writing, utterance, or speech forming the basis of
61 the cause of action for defamation or similar cause of action
62 was first made in the United States.

63 (2) The circuit court shall declare the foreign judgment
64 unenforceable if the writing, utterance, or speech forming the
65 basis of the action for defamation or similar cause of action is
66 protected speech under the State Constitution or the
67 Constitution of the United States.

68 Section 3. This act shall take effect July 1, 2009.