

ENROLLED  
HB 949

2009 Legislature

1                   A bill to be entitled  
2           An act relating to grounds for nonrecognition of foreign  
3           defamation judgments; amending s. 55.605, F.S.; providing  
4           that an out-of-country foreign judgment need not be  
5           recognized if the cause of action resulted in a defamation  
6           judgment obtained in a jurisdiction outside the United  
7           States, unless a court in this state first determines that  
8           the defamation law applied in the foreign court's  
9           adjudication provided at least as much protection for  
10          freedom of speech and press as would be provided in this  
11          state; creating s. 55.6055, F.S.; providing that the  
12          courts of this state have personal jurisdiction over a  
13          person who obtains a judgment in a defamation proceeding  
14          outside the United States against a person residing in or  
15          having property in this state for the purpose of  
16          determining whether the foreign defamation judgment should  
17          be deemed nonrecognizable; providing for retroactive  
18          application; providing an effective date.

19  
20   Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Paragraph (h) is added to subsection (2) of  
23           section 55.605, Florida Statutes, to read:

24           55.605 Grounds for nonrecognition.--

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

27           (h) The cause of action resulted in a defamation judgment  
28           obtained in a jurisdiction outside the United States, unless the

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29 court sitting in this state before which the matter is brought  
 30 first determines that the defamation law applied in the foreign  
 31 court's adjudication provided at least as much protection for  
 32 freedom of speech and press in that case as would be provided by  
 33 the United States Constitution and the State Constitution.

34 Section 2. Section 55.6055, Florida Statutes, is created  
 35 to read:

36 55.6055 Foreign defamation judgment.--

37 (1) For the purposes of rendering declaratory relief with  
 38 respect to a person's liability for a foreign defamation  
 39 judgment and determining whether the foreign defamation judgment  
 40 should be deemed nonrecognizable under s. 55.605, the courts of  
 41 this state have personal jurisdiction over any person who  
 42 obtains a judgment in a defamation proceeding outside the United  
 43 States against any person who:

44 (a) Is a resident of this state;

45 (b) Is a person or entity amenable to the jurisdiction of  
 46 this state;

47 (c) Has assets in this state; or

48 (d) May have to take action in this state to comply with  
 49 the judgment.

50 (2) This section applies to judgments rendered in  
 51 defamation proceedings outside the United States before, on, or  
 52 after July 1, 2009.

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