

House Bill No. 949

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

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

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

55.605 Grounds for nonrecognition.—

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

(h) The cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless the court sitting in this state before which the matter is brought first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the United States Constitution and the State Constitution.

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

55.6055 Foreign defamation judgment.—

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

(a) Is a resident of this state;

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

(c) Has assets in this state; or

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

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

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

Approved by the Governor June 24, 2009.

Filed in Office Secretary of State June 24, 2009.