

By Senator Aronberg

27-01139-09

20091066\_\_

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

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

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

25           55.605 Grounds for nonrecognition.—

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

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

27-01139-09

20091066\_\_

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

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

37 55.6055 Foreign defamation judgment.-

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

45 (a) Is a resident of this state;

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

48 (c) Has assets in this state; or

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

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

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