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Jean Nadd vs Le Credit Lyonnais, S.A.

NEXT CASE ON THE COURT'S DOCKET IS NADD VERSUS LE CREDIT LYONNAIS.

GOOD MORNING. MAY IT PLEASE THE COURT. I AM PHILLIP ALLEN FOR THE PETITIONER, JOHN NADD, THE DEFENDANT BELOW. BRIEFLY, YOUR HONORS, THE PROCEDURAL BACKGROUND MAY BE SIMPLY STATED AS FOLLOWS. THE RESPONDENT, FRENCH BANK LE CREDIT LYONNAIS OBTAINED TWO JUDGMENTS FROM MR. NADD IN FRANCE. THE CREDIT LYONNAIS TOOK NO ACTION TO ENFORCE THOSE JUDGMENTS IN FLORIDA IN THE ENSUING FIVE YEARS. BY VIRTUE OF THIS, BY OPERATION OF FLORIDA STATUTE SECTION 95.011, AND THE APPLICABLE LIMITATIONS PERIOD OF SECTION 95.11-2-A, THE STATUTE OF LIMITATIONS ON PROCEDURAL REMEDY ON ENFORCING THOSE JUDGMENTS IN FLORIDA EXPIRED, FINALLY AND FOR ALL TIME. IN 1994, SOME TEN YEARS LATER, AFTER THE LAST JUDGMENT BECAME TIME-BARRED, THE FLORIDA LEGISLATURE ADOPTED WHAT WE CALL THE UNIFORM OUT-OF-COUNTRY FOREIGN MONEY JUDGMENTS RECOGNITIONS ACT, REFERRED TO BRIEFLY AS THE FOREIGN COUNTRY ACT FOR TODAY. THE FOREIGN COUNTRY ACT SETS FORTH PROCEDURES FOR BRINGING A FOREIGN JUDGMENT TO FLORIDA FOR RECOGNITION AND SUBSEQUENT TO RECOGNITION, ENFORCEMENT IN THE STATE OF FLORIDA. A LITTLE MORE THAN A YEAR LATER, IN OCTOBER OF 1995, LE CREDIT LIEN AIS -- LYONNAIS COMMENCED TWO PROCEEDINGS IN CIRCUIT COURT IN ORANGE COUNTY ON THE TWO RESPECTIVE FRENCH JUDGMENTS. THOSE PROCEEDINGS WERE, BOTH, A COMMON LAW COMPLAINT TO RECOGNIZE THE JUDGMENTS AND, ALSO, THE FILING OF THOSE JUDGMENTS, WITH THE CLERK OF THE CIRCUIT COURT, COMMENCED THE STATUTORY PROCEEDING, UNDER THE UFM-JRA, THE FOREIGN COUNTRY ACT. MR. NADD --

YOUR FIRST ARGUMENT IS THAT THE UFM-JRA --

YES.

-- DOES NOT APPLY TO THIS CASE, BECAUSE IT WAS ENACTED AFTER THE STATUTE OF LIMITATIONS PERIOD HAD RUN? IS THAT WHAT I AM HEARING YOU SAY?

ACTUALLY I HAVE NEVER PHRASED IT THAT WAY. LET ME SAY IT THIS WAY. THE ACT APPLIES, BY ITS TERMS, TO A FOREIGN COUNTRY JUDGMENT THAT IS FINAL, CONCLUSIVE, AND ENFORCEABLE, WHERE RENDERED, ALTHOUGH APPELLATE RIGHTS MAY, STILL, EXIST. THE STATUTE OF LIMITATIONS PRESCRIBES THE TIME PERIOD WITHIN WHICH THAT PROCEEDING MUST BE COMMENCED. THAT IS OUR FIRST ARGUMENT.

SO WOULD YOU AGREE, THEN, WITH THAT LANGUAGE ABOUT -- YOU CAN REGISTER THIS FOREIGN JUDGMENT, BECAUSE IT IS, IN FACT, ENFORCEABLE, WHERE IT WAS RENDERED, WHERE THEY HAVE A 30-YEAR STATUTE OF LIMITATIONS.

NO, JUDGE, I DON'T AGREE WITH THAT.

WHY NOT?

THIS, I THINK, IS A CRITICAL DISTINCTION. THE STATUTORY PROCEDURE IN PLACE HERE IS AN ACT THAT IS CIVIL INNATE. THERE ARE TEN SUBSTANTIVE DEFENSES TO RECOGNITION OF A JUDGMENT, UNDER THE FOREIGN COUNTRY ACT.

OKAY. BUT IS REGISTRATION DIFFERENT FROM RECOGNITION?

EXACTLY. THAT IS THE KEY TO UNDERSTANDING THIS. RECOGNITION IS THE DETERMINATION, BY A FLORIDA COURT, THAT OBJECTIONS TO RECOGNITION SHALL BE OVERRULED. THIS IS SIMPLY AN ACTION CIVIL INNATE. ALL THAT YOU ACCOMPLISH, BY FILING A FRENCH JUDGMENT IN THE STATE OF FLORIDA, IS TO COMMENCE THE STATUTORY PROCEEDING.

SO WHAT ADDITIONAL RIGHTS DOES IT GIVE THAT A COMMON LAW ACTION WOULD NOT GIVE?

NONE, YOUR HONOR.

SO DOESN'T THAT TELL US SOMETHING, THOUGH, THAT IF THE LEGISLATURE, IN ENACTING THIS, WANTED TO GIVE MORE RIGHTS TO ALLOW FOREIGN JUDGMENTS TO BE RECOGNIZED, AND YOU ARE SAYING IT IS NO DIFFERENT THAN IF THIS HAD BEEN JUST ANY COMMON LAW ACTION THAT COULD HAVE BEEN FILED, BACK IN '78, '79?

THAT IS A VERY -- THAT QUESTION IS RIGHT ON POINT, AND THIS, I THINK, IS THE KEY TO UNDERSTANDING THIS. WHAT WE ARE DEALING WITH, HERE, IN THE FOREIGN COUNTRY ACT, IS A PRINCIPLE OF PUBLIC INTERNATIONAL LAW, COMMUNITY, WHETHER OR NOT ONE STATE, ONE NATION WILL RESPECT THE LAWS AND JUDGMENTS OF ANOTHER NATION. FOR FLORIDA TO ACHIEVE ENFORCEMENT OF FLORIDA JUDGMENTS IN FRANCE, FOR EXAMPLE, THE FRENCH COURT WOULD UNDERSTANDABLY WANT TO KNOW IF A FRENCH JUDGMENT THAT WAS EQUIVALENT WOULD BE RECIPROCALLY ENFORCED IN THE STATE OF FLORIDA. WHAT WAS ACCOMPLISHED WITH THE UNIFORM ACT IS TO OBJECTIFY THE JUDGMENTS. THIS UNIFORM STATUTORY PROCEDURE, THE FRENCH COURT WOULD HAVE TO STUDY CASE LAW, COMMON LAW ISSUES, AND THEY WOULD HAVE TO DETERMINE, WHETHER OR NOT A STATUTE WOULD BE ENFORCED. THE CASE LAW ESTABLISHES THAT, FROM TEN DEFENSES, TEN JUDGMENTS, AND IT TELLS THE FRENCH COURT THESE ARE THE THING THAT IS WE ARE GOING TO CONSIDER IN FLORIDA, WHEN YOUR FRENCH JUDGMENT IS BEFORE US.

SHOULD YOU BE CONCERNED THAT THE STATUTE OF LIMITATIONS THAT YOU ARE SAYING DOES APPLY IS NOT LISTED AS ONE OF THE TEN SPECIFIC?

NO, YOUR HONOR, BECAUSE IT WOULD BE REDUNDANT TO DO SO. THE KEY PRINCIPLE OF STATUTORY CONSTRUCTION IS THAT STATUTES GOVERNING THE SAME SUBJECT MATTER MUST BE HARMONIZED. THE LIMITATIONS PROCEDURE OF 2.11-A, DETERMINES PROCEEDINGS ON FOREIGN COURTS, FOREIGN COUNTRIES.

WHY ISN'T THERE THE SAME PROVISION, THEN, IN 55.02, WHICH SAYS THAT NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED TO ALTER, MODIFY OR EXTEND THE LIMITATION PERIOD, APPLICABLE TO FOREIGN JUDGMENTS.

WE HAVE COME FULL CIRCLE. THE OTHER UNIFORM LAW, THE SISTER STATE LAW, THE UF-JRA, IS A SISTER. YOU FILE YOUR MISSISSIPPI JUDGMENT IN FLORIDA. NOTHING ELSE HAPPENS. 30 DAYS LATER, THAT MISSISSIPPI JUDGMENT BECOMES A FLORIDA JUDGMENT. THE ONLY DEFENSES TO THAT MISSISSIPPI JUDGMENT WOULD BE THOSE AVAILABLE TO A FLORIDA JUDGMENT, AND THOSE ARE IN RULE 1.540-A OF THE FLORIDA RULES OF CIVIL PROCEDURE. THEY INCLUDE SURPRISE, NEGLIGENCE, EXCUSABLE NEGLIGENCE AND FRAUD. TO THE EXTENT THOSE DEFENSES ARE FACTORIENTED, THOSE DEFENSES TO A FLORIDA JUDGMENT AND, BY EXTENSION, A MISSISSIPPI JUDGMENT THAT HAS BEEN REGISTERED IN FLORIDA, MUST BE COMMENCED WITHIN ONE YEAR, SO IF I CAN COMPLETE THAT THOUGHT, THE FLORIDA -- FLORIDA TREATS THE REGISTRATION OF A SISTER STATE JUDGMENT AS IT MUST, WITH EQUAL DIGNITY TO ITS OWN JUDGMENT, BECAUSE IT MUST, UNDER THE FULL FAITH AND CREDIT CLAUSE OF THE U.S. CONSTITUTION. THAT FULL FAITH AND CREDILLUSTRATE CLAUSE, THAT -- FULL FAITH AND CREDIT CLAUSE, THAT PRINCIPLE THAT THE FOREIGN JUDGMENT MUST GET EQUAL DIGNITY DOES NOT STAND. WE DEAL, HERE, ONLY

WITH COMMITTY. TO ENGAGE IN MORE SCRUTINY IN A FLORIDA JUDGMENT THAN A MISSISSIPPI JUDGMENT, AND THE TEN DEFENSES SET FORTH IN A FOREIGN COUNTRY ACT DO THAT. THAT IS WHY, UNDER THE STATE PRACTICE, THE SISTER STATE ACT, IT WOULD BE RATIONALE TO THINK THAT, SINCE ALL YOU -- IT WOULD BE RATIONAL TO THINK THAT, SINCE ALL YOU ARE GOING TO DO IS FILE IT, IT IS A JUDGMENT IN MISSISSIPPI, ALL WE ARE GOING TO DO IS ENFORCE THE JUDGMENT, THAT IS WHY THE NONUNIFORM PROVISION, 55.02, WHICH SAYS THAT NOTHING HEREIN SHALL BE CONSTRUED TO ALTER, MODIFY OR EXTEND THE APPLICABLE STATUTE OF LIMITATIONS, SO EVEN THAT, WHERE ALL THAT IS REQUIRED IS REGISTRATION, THE MERE ACT OF FILING, YOU, STILL, HAVE TO DO IT IN FIVE YEARS. IT WOULD BE ANAMOLOUS FOR FLORIDA TO TREAT A FRENCH JUDGMENT WITH GREATER DIGNITY, SAYING IT CAN BE FILED AND ENFORCED WITHIN 30 YEARS.

THAT IS FOR A MONEY JUDGMENT, CORRECT?

CORRECT.

COULD THERE BE ANOTHER TYPE OF JUDGMENT THAT SOMEONE COULD OBTAIN IN FRANCE, OTHER THAN A MONEY JUDGMENT?

I BELIEVE THAT IS POSSIBLE, YES.

WOULD THAT BE SUBJECT TO THE UNIFORM ENFORCEMENT FOREIGN JUDGMENT ACT?

NO. THAT WOULD REQUIRE THE FILING OF A COMMON LAW COMPLAINT. THERE AGAIN, YOU HAVE THE SAME FIVE-YEAR PERIOD.

IF THAT IS TRUE, WHAT IS THE SIGNIFICANCE OF THE LANGUAGE, IN 55.604, WHICH SAYS, BASICALLY, THAT ONCE YOU HAVE REYNOLD AND RECOGNIZED THE FOREIGN JUDGMENT, THAT IT SAYS "AND SHALL BE ENFORCEABLE ENFORCEABLE". THE LANGUAGE IN IT SAYS "AND SHALL BE ENFORCEABLE AS THE SAME JUDGMENT IN THIS STATE."

FIRST YOU FILE, IT IS A TWO-STEP PROCESS, ISSUE IS DRAWN ON FACT AND FILE, AND A TRIAL IS CONDUCTED ON THESE QUESTIONS. IT IS ONLY AFTER THE CIRCUIT COURT RECOGNIZES THE JUDGMENT, AFTER ADJUDICATING DEFENSES. THE STATUTORY DEFENSES.

ALL OF THESE STATUTES THAT WE HAVE USED TO DEFEND THE RECOGNITION OF THE JUDGMENT. BUT ONCE THAT STEP IS DONE, IT SAYS IT IS, THEN, ENFORCEABLE IN THE SAME MANNER AS A JUDGMENT OF A COURT OF THIS STATE.

IT BECOMES A FLORIDA JUDGMENT. THAT IS CORRECT. AFTER RECOGNITION.

MEANING WHICH STATUTE OF LIMITATIONS WOULD APPLY?

THE STATUTE OF LIMITATIONS WOULD APPLY, BECAUSE IT BECOMES A FLORIDA JUDGMENT.

YOU HAVE TOUCHED ON THE ISSUE OF RECIPROCITY, AND THE POLICY ISSUES BEHIND THE JUDGMENT AND THE STATUTORY SCHEME. COULD YOU ELABORATE FURTHER?

YES.

IN THAT RESPECT, I WOULD LIKE YOU TO ELABORATE ON TWO POINTS. ONE IS HOW OLD A FLORIDA JUDGMENT BE TREATED IN FRANCE, YOU KNOW, GIVEN THE SAME CIRCUMSTANCES? ALL OF THE THINGS BEING EQUAL, IF I CAN ASK YOU THAT QUESTION.

YES.

AND THEN HOW DOES THIS STATUTORY SCHEME DIFFER FROM THE FLORIDA LAW THAT EXISTED BEFORE THE ENACTMENT OF THE STATUTORY SCHEME? COULD YOU ANSWER THOSE TWO QUESTIONS?

YES, YOUR HONOR. IN FRANCE, A FRENCH COURT APPLYING RECIPROCITY, WOULD ASK THE SAME QUESTION A FLORIDA COURT WOULD ASK, AND THAT IS, AMONG OTHERS, WOULD FLORIDA ENFORCE RESIPCALLY, A FRENCH JUDGMENT OF A SIMILAR NATURE IN FLORIDA? THE COURT WOULD DETERMINE THAT, BY LOOKING AT THE LANGUAGE OF THIS CODE PROVISION, THIS UNIFORM ACT, AND A FRENCH COURT, BEING A CIVIL CODE JURISDICTION, IS FAMILIAR WITH AND COMFORTABLE WITH READING STATUTORY CODE. IT WOULDN'T HAVE TO LOOK AT CASE LAW, UNLESS IT WANTED TO ELABORATE ON THOSE CODE PROVISIONS AND HOW THEY ARE APPLIED. THE COURT WOULD, THEN, MAKE THE DECISION AS TO WHETHER OR WHAT EXTENT A FLORIDA JUDGMENT SHOULD BE APPLIED. THE FRENCH COURT COULD, ALSO, APPLY WHATEVER STATUTE OF LIMITATIONS MIGHT BE APPLICABLE IN FRANCE, TO THE ENFORCEMENT OF A FOREIGN COUNTRY JUDGMENT IN FRANCE.

HOW CLOSE CAN WE COME TO EVALUATING THIS SPECIFIC SITUATION? THAT IS IF WE HAVE GOT THE JAMENT IN FLORIDA, OKAY, BASIC -- THE SAME JUDGMENT IN FLORIDA, OKAY, BASICALLY GIVEN THE SAME FACTS OR CIRCUMSTANCES OR WHATEVER, AS OPPOSED TO A JUDGMENT IN FRANCE, AND WHAT WOULD HAPPEN ON THE GROUND, IN YOUR OPINION IN FRANCE, TO A JUDGMENT OBTAINED IN FLORIDA, SAME SORT OF FACTS OR CIRCUMSTANCES? THIS KIND OF JUDGMENT, NOW, YOU TAKE IT OVER TO FRANCE. WHAT WOULD HAPPEN ON THE GROUND, TO THIS JUDGMENT IN FRANCE?

I AM NOT AN EXPERT ON FRENCH PRACTICE, BUT I WILL SAY TO THE COURT THAT THE CASE LAW AND THE WRITINGS ON RECIPROCITY SUGGEST THAT THE FRENCH COURT WOULD PERMIT MR. NADD TO ASSERT EQUIVALENT DEFENSES IN FRANCE. FOR EXAMPLE, AS TO THE LARGER OF THESE TWO JUDGMENTS, THAT HE NEVER RECEIVED NOTICE OF THE JUDGMENT. HE NEVER RECEIVED AN OPPORTUNITY TO DEFEND, AND, IN FACT, THE JUDGMENT WAS OBTAINED FRAUDULENTLY. THE FRENCH COURT COULD HOLD AN EVIDENTIARY HEARING, IF IT WERE MIRRORING FLORIDA PRACTICE, AND MAKE A DETERMINATION AS TO WHETHER OR NOT THE JUDGMENT IS ENFORCEABLE, UNDER THOSE CIRCUMSTANCES.

MY SECOND QUESTION, WHICH IS AS TO THE DIFFERENCE IN THIS STATUTORY SCHEME AND PREEXISTING FLORIDA LAW?

I AM NOT AWARE OF A SIGNIFICANT DIFFERENCE. A COMMON LAW COMPLAINT ON THIS FRENCH JUDGMENT WOULD VERY WELL RAISE THE SAME ISSUES, BUT IT WOULD BE A MATTER OF COMMON LAW PRECEDENT AS TO WHETHER OR NOT SPECIFIC DEFENSES WOULD BE WELL TAKEN. REFERRING, NOW, TO -- I AM REFERRING, NOW, TO SUBSTANTIVE DEFENSES. FOR EXAMPLE, ONE OF THE DEFENSES AVAILABLE, UNDER THE UNIFORM ACT, IS THAT THERE WAS A SETTLEMENT AGREEMENT OR SOME AGREEMENT, IN FACT, THAT RENDERED THE JUDGMENT PERFORMED OR SATISFIED OR THAT IT WAS VOID. UNDER THE COMMON LAW, ONE COULD ASSERT THAT DEFENSE. UNDER THE STATUTE, ONE COULD ASSERT THE DEFENSE. THE BENEFIT, RECIPROCITY IS THAT VALUE IS APPROACHED BY -- UNDER THE UNIFORM ACT, BY LAYING IT OUT IN THE STATUTE, SO THE FRENCH COURT CAN LOOK IN ONE PLACE, INSTEAD OF IN 30 CASES, COMMON LAW PRECEDENCE, AND FIGURE OUT WHAT A FLORIDA COURT IS GOING TO CONSIDER AND WHAT IT IS GOING TO DO ABOUT THESE SPECIFIC ISSUES. THEN A FRENCH COURT HAS SOME CERTAINTY OF EXPECTATION THAT AN EQUIVALENT FRENCH JUDGMENT WOULD, THEN, BE ENFORCED IN FLORIDA. IT WOULD THEN BE COMFORTABLE, IN TERMS OF COMMIT AND RECIPROCITY -- IN COMMITY, WITH RECIPROCITY. THIS IS HOW THE FRENCH COURT APPROACHES RECIPROCITY. IT DOES NOT ACHIEVE RECIPROCITY, A FLORIDA COURT DECIDING THAT A FRENCH JUDGMENT COULD BE BROUGHT TO COURT FOR THAT FULL 30-YEAR LIFE OF THAT JUDGMENT. THE DEFENSES, UNDER THE UNIFORM ACT, ARE SUBSTANTIVE DEFENSES. THOSE DEFENSES, FOR

EXAMPLE, INCLUDE WHETHER THERE WAS A SETTLEMENT AGREEMENT, WHETHER THERE WAS FRAUD. THAT DEPENDS ON WITNESSES, MEMORIES, THEIR AVAILABILITY, THEIR HEALTH, LOCATION, CAN YOU FIND THEM? THE DOCUMENTARY EVIDENCE. THE COURT FILE. THE BUSINESS FILE.

INVENT FORUM?

INVENT FORUM AS WELL.

YOU ARE SAYING THEY ARE FACTUAL. IT LOOKS LIKE THEY ARE A LOT OF THE TYPICAL AFFIRMATIVE DEFENSES THAT YOU WOULD HAVE TO ANY --

THAT'S RIGHT. WHETHER IT WAS -- THE ACTUAL STATUTORY LANGUAGE IS WHETHER THE FOREIGN FORUM WAS A SERIOUSLY INVENT FORUM. NOW, THERE IS A VALUE JUDGMENT IN THERE. THERE IS A STANDARD. HOW SERIOUS IS SERIOUS, AND THAT DEPENDS ON AN EXPOSITION OF THE FACTS AND CIRCUMSTANCES. IMAGINE TRYING TO PROVE THIS, IF LE CREDIT LYONNAIS IS CORRECT, 20 OR 50 YEARS AFTER THE SUIT.

AREN'T YOU COMING CLOSE TO RECONSTRUCTING THIS SCHEME, TO RETRYING THE CASE? YOU WOULD BRING AN ORIGINAL LAWSUIT --

NO, YOUR HONOR, I THINK IT IS THE BLIND RECOGNITION 6 A SISTER -- OF A SISTER STATE JUDGMENT AND RETRYING THE MERITS OF THE CASE. YOU WOULD HAVE TO PROVE FRAUD OR, IN EVENT, DUE PROCESS. LET'S BE CLEAR ABOUT ONE THING. WE ARE TALKING ABOUT FRANCE. THIS JUDGMENT COULD VERY EASILY COME FROM NORTH KOREA OR CUBE, A OR SOME REASON WHERE WE HAD REASON TO DOUBT THE INTEGRITY OR THE HE HAVE CAST I OF THAT SYSTEM -- OR THE EFFICACY OF THAT SYSTEM. I WOULD LIKE TO SAVE THE REMAINDER OF MY TIME FOR REBUTTAL. THANK YOU.

GOOD MORNING. I REPRESENT CREDIT LIEN AIS. -- LYONNAIS. IN ANSWER TO JUDGE ANSTEAD'S QUESTION AS TO WHAT HAPPENED ON THE GROUND IN FRANCE, WHAT WE ARE TOLD, IN THE PREPARATORY NOTE TO THE -- PREFATORY NOTE TO THE UNIFORM ACT, WHAT THEY DO IN FRANCE IS TAKE A LOOK AND SEE WHETHER OR NOT THERE IS RECIPROCITY. WOULD, THEY WOULD ASK, WOULD A FLORIDA COURT ENFORCE THE JUDGMENT IN FLORIDA, WHICH IS ENFORCEABLE IN FRANCE? NOW, IF MR. NADD SUCCEEDS IN THIS CASE, AND THIS COURT SAYS THAT THE FIVE-YEAR STATUTE OF LIMITATIONS APPLIES, THEN THE ANSWER TO THAT QUESTION, IN FRANCE, IS THAT FLORIDA WILL NOT ENFORCE A FRENCH JUDGMENT THAT IS MORE THAN FIVE YEARS OLD. BUT IN FRANCE, THE JUDGMENTS CAN BE 30 YEARS OLD AND STILL ENFORCED. SO, SINCE THE ANSWER WOULD, THEN, BE FLORIDA WILL NOT ENFORCE FRENCH JUDGMENTS WHICH ARE ENFORCEABLE IN FRANCE, FRANCE WOULD NOT, THEN, ENFORCE THE FLORIDA JUDGMENT, WHICH WOULD TOTALLY ELIMINATE THE PURPOSE FOR WHICH THE UNIFORM ACT WAS PASSED. THAT PURPOSE WAS NOT MERELY CODIFICAITON OR CLARIFICATION, AS COUNSEL WOULD INDICATE. THAT PURPOSE WAS TO LET FOREIGN NATIONS KNOW THAT FLORIDA WILL ENFORCE THE VALID JUDGMENTS OF THEIR COURTS, IF THEY ARE ENFORCEABLE THERE. IT IS AS SIMPLE AS THAT.

JUSTICE WELLS.

WOULD YOU AGREE THAT, UNDER THIS STATUTORY SCHEME, THOUGH, THAT THERE IS, STILL, A DIFFERENCE BETWEEN THE RECOGNITION OF A JUDGMENT FROM MISSOURI OR MISSISSIPPI AND A JUDGMENT FROM FRANCE?

YES. IN THIS SENSE.

OKAY.

THE PURPOSES OF THOSE TWO UNIFORM STATUTES IS DIFFERENT. THE PURPOSE OF THE SISTER STATES ACT IS TO IMPLEMENT THE FULL FAITH AND CREDIT CLAUSE OF THE CONSTITUTION. AND THE SUPREME COURT IS TOLD THIS, IN THE CASE, I THINK IT WAS, THE CONWAY CASE. THAT THE FULL FAITH AND CREDIT CLAUSE DOES NOT REQUIRE ONE STATE TO UTILIZE THE STATUTE OF LIMITATIONS OF ANOTHER STATE. SO THERE IS A CONSEQUENCE. WHAT HAD BEEN PUT INTO THE 1948 UNIFORM ACT THAT WAS PREPARED BY THE COMMISSIONERS, WHICH WAS THAT YOU WOULD ONLY HAVE TO -- YOU WOULD HAVE TO FILE, WITHIN THE TIME PERMITTED FOR AGGRIEVED COMMON LAW ACTIONS IN THE FILING STATE. THAT WAS ELIMINATED FROM THE 1940 ACT -- '48 ACT, AND IN THE 1964 UNIFORM ACT, YOU DIDN'T HAVE TO COMPLY WITH THAT. MANY COMMENTATORS HAVE SAID THAT THE REASON WHY THEY ELIMINATED THAT REQUIREMENT WAS TO GIVE TO THE STATES THE RIGHT TO DECIDE WHAT THEY WANT TO DO. IF THEY WANT TO UTILIZE THEIR OWN STATUTE OF LIMITATIONS, THEY CAN DO THAT. OR IF THEY WANT TO UTILIZE THE STATUTE OF LIMITATION OF A SISTER STATE, THEY CAN DO THAT, BECAUSE THE FULL FAITH AND CREDIT CLAUSE PERMITS IT. NOW, ALL OF THAT HAS NOTHING TO DO WITH THE FOREIGN JUDGMENT ACT PURPOSE OF THAT FULL FAITH AND CREDIT CLAUSE IS TO ASSURE FOREIGN NATIONS THAT FLORIDA, WITH THE OTHER 30 STATES THAT HAVE ADOPTED THIS UNIFORM ACT, WILL ENFORCE THE JUDGMENTS OF THOSE FOREIGN COUNTRIES, WHICH ARE ENFORCE ENFORCEABLE WHERE RENDERED H THAT IS THE PHRASE THAT WAS PUT INTO THE STATUTE. THAT PURPOSE OF ASSURING THOSE CIVIL LAW COUNTRIES THAT THEIR JUDGMENTS WOULD BE ENFORCEABLE HERE, IF THEY ARE ENFORCEABLE THERE, WAS IMPLEMENTED IN THIS STATUTE, IN TWO VERY SIMPLE CLAUSES. IT WAS -- IT IS 603 AND 604 OF THE ACT, WHICH SAYS, IF YOU COMPLY WITH 603, THEN THE JUDGMENT IS CONCLUSIVE, AND 603 SAYS IT WILL BE CONCLUSIVE -- IT WILL BE -- THE ACT WILL APPLY, IF IT IS, QUOTE, ENFORCEABLE WHERE RENDERED. THAT IS THE SUM AND SUBSTANCE OF THE PURPOSE OF THE ACT, AND IT WAS IMPLEMENTED BY TWO VERY SIMPLE SECTIONS. NOW, THE DISTRICT COURT OF APPEALS HAS SAID THAT THAT PHRASE, ENFORCEABLE WHERE RENDERED, BY IMPLICATION, BY CLEAR IMPLICATION, INCORPORATES THE STATUTE OF LIMITATIONS OF THE RENDERING JURISDICTION. THE CONCEPT BEING THAT, IF IT IS ENFORCEABLE IN FRANCE, BECAUSE THEY HAVE A 30-YEAR STATUTE OF LIMITATIONS, THAT WILL BE THE APPLICABLE STATUTE OF LIMITATIONS IN FLORIDA OR WHATEVER OTHER STATE IS THE STATE IN WHICH THE JUDGMENT IS --

SO ARE YOU SAYING, THEN, --

-- REGISTERED.

-- THAT YOU NEED NOT HAVE ANY REFERENCE AT ALL TO SECTION 25? THAT THE 20-YEAR STATUTE OF LIMITATIONS --

YOU HAVE TWO. YOU HAVE THE 20-YEAR AND THE FIVE-YEAR.

WHAT YOU JUST SAID ABOUT IT BEING ENFORCEABLE IN FRANCE FOR 30 YEARS.

YES.

AND THEREFORE YOU SHOULD BE ABLE TO ENFORCE IT, HERE, FOR THAT SAME 30-YEAR PERIOD --

YES.

-- THAT IS WHAT YOU ARE SAYING.

THAT'S CORRECT THAT IS CORRECT.

SO IF THAT IS THE CASE, THEN WHAT YOU ARE SAYING IS NEITHER THE 20-YEAR STATUTE OF LIMITATIONS OR THE FIVE-YEAR STATUTE OF LIMITATIONS IN '95 SHOULDN'T BE APPLICABLE

HERE.

THEY SHOULD NOT APPLY TO THE FOREIGN JUDGMENT ACT. THAT IS CORRECT. AND THE DISTRICT COURT OF APPEALS HAS SAID THAT THE FIVE-YEAR STATUTE DOES NOT APPLY, BECAUSE THE DISTRICT COURT OF APPEALS, CORRECTLY, THREW OUT ITS OPINION, ACKNOWLEDGED THE RECIPROCITY ASPECT OF THE UNIFORM ACT. THAT WAS THE PURPOSE OF IT. AND THAT WAS THE WAY OF ACHIEVING IT, AND IF YOU APPLIED THE FIVE-YEAR STATUTE, YOU WOULD UNDERMINE IT. NOT ONLY WOULD YOU UNDERMINE IT, YOU WOULD ASSURE THAT FLORIDA JUDGMENTS DO NOT GET EVEN FORCED IN FOREIGN JURISDICTIONS, WHICH HAVE LONG LONGER THAN A FIVE-YEAR STATUTE.

WHAT DO YOU SAY TO THE ARGUMENT THAT THIS IS A FOREIGN JURISDICTION'S LAW THAT GIVES MORE CREDENCE THAN THE LAW BETWEEN THE STATES? IT GIVES IT MORE DIGNITY THAN A JUDGMENT -- ANOTHER STATE'S JUDGMENT. DO YOU HAVE A PROBLEM WITH THAT?

NO. I DON'T THINK THAT ANYBODY COULD CONCLUDE THAT YOU ARE GIVING IT MORE DIGNITY, BUT WHAT YOU ARE DOING IS ACKNOWLEDGING, AS FAR AS THE SISTER STATE ACT IS CONCERNED, THE FREEDOM GIVEN BY THE SUPREME COURT OF THE UNITED STATES, WHEN THEY SAID THAT THE STATUTE OF LIMITATIONS IS PROCEDURAL AND NOT SUBSTANTIVE, AND THEREFORE ONE STATE DOES NOT HAVE TO GIVE CREDENCE TO ANOTHER'S STATUTE OF LIMITATIONS. SO THE COURTS HAVE THE FREEDOM, AND THEY HAVE GONE ALL OVER THE LOT, IN THE CASES THAT DEAL WITH THE SISTER STATE'S ACT. SOMETIMES THEY APPLY THE STATUTE OF LIMITATION OF THEIR OWN JURISDICTION. SOMETIMES THEY APPLY THE STATUTE OF LIMITATION TO THE OTHER JURISDICTION. THE SUPREME COURT SAID THAT'S OKAY. WHEN YOU ARE DEALING WITH THE FOREIGN ACT, THAT IS NOT OKAY, BECAUSE NOT APPLYING THE STATUTE OF LIMITATIONS OF THE FOREIGN JURISDICTION UNDERMINES THE PURPOSE OF THE ACT, WHICH IS TO ASSURE THOSE FOREIGN JURISDICTIONS THAT, IF IT IS ENFORCEABLE THERE, IT WILL BE ENFORCEABLE HERE.

BUT THE NET EFFECT, AFTER YOUR EXPLANATION, IS STILL THE SAME AS IMPLICATED IN THE JUSTICE'S QUESTION, IS IT NOT? THAT YOU END UP WITH A NET EFFECT, IN FACT.

THE NET EFFECT IS THAT YOU ARE GIVING MORE CREDENCE --

YOU HAVE GREATER RIGHTS, UNDER THE FOREIGN JUDGMENT ACT, THAN YOU HAVE UNDER THE -

IN THE SENSE THAT THE STATE, UNDER THE FOREIGN JUDGMENT ACT, WILL NOT HAVE THE POWER TO USE ITS OWN STATUTE OF LIMITATIONS. THAT'S CORRECT.

WHAT ABOUT THE POLICY IMPLICATIONS EVER THAT ALLUDED TO BY YOUR OPPONENT, AS -- IMPLICATIONS OF THAT ALLUDED TO BY YOUR OPPONENT, AS HE WAS CLOSING HIS REMARKS, FOR THE HIGHER JURISDICTION, TO ENFORCE AN IRAQI JUDGMENT HERE, AND I AM THROWING THAT OUT, BECAUSE THAT IS A CURRENT SITUATION, WHERE MOST PEOPLE, IT WOULD SEND-OFF SIGNALS AND SAY WAIT A MINUTE! SO TELL ME, IS IT CORRECT, THEN, THAT --

THAT FLORIDA WOULD BE HAM STRUNG AND COULDN'T DO ANYTHING AND WOULD HAVE TO ENFORCE THAT?

RIGHT.

ABSOLUTELY NOT. BECAUSE THE STATUTE PERMITS, AS ONE OF THOSE GROUNDS FOR NOT GIVING CREDENCE TO OR NOT RECOGNIZING THE JUDGMENT OF ANOTHER STATE, IS 1-A OF PLAF 605 -- OF PARAGRAPH 605 OF THE STATUTE. IT SAID A FOREIGN JUDGMENT IS NOT CONCLUSIVE, IF THE JUDGMENT WAS RENDERED UNDER A SYSTEM WHICH DOES NOT PROVIDE IMPARTIAL TRIBUNALS

OR PROCEDURES COMPATIBLE WITH THE PROCEDURE REQUIREMENT OF DUE PROCESS OF LAW, SO THERE IS NO CHANCE.

SO THERE ARE SAFEGUARDS BUILT IN THAT WOULD TAKE CARE OF THIS.

ABSOLUTELY SAFEGUARDS BUILT IN. NOW, THE DISTINCTION THAT COUNSEL IS TRYING TO MAKE, BETWEEN THESE TWO STATUTES THAT, ONE IS, YOU KNOW, AUTOMATIC. YOU JUST FILE IT, AND IT BECOMES A JUDGMENT, UNDER THE SISTER STATES ACT, AS DISTINGUISHED FROM THE FOREIGN ACT, WHERE THERE ARE THESE VARIOUS OBJECTIONS THAT CAN BE FILED. THAT DISTINCTION IS NOT AS HE DESCRIBES IT, BECAUSE BOTH STATUTES PERMIT A 30-DAY PERIOD. NOW, THEY ARE SET UP SLIGHTLY DIFFERENT. 30-DAY PERIOD, BEFORE IT BECOMES A JUDGMENT, ONCE YOU FILE IT. UNDER THE FOREIGN ACT, THE PERSON TO WHOM THE NOTICE IS SENT, THE DEFENDANT, HAS A CHANCE TO PUT IN ONE OF THE SO-CALLED OBJECTIONS, PURSUANT TO RULE 605. UNDER THE OTHER STATUTE, THE SISTER STATES ACT, DURING THAT 30-DAY PERIOD, YOU HAVE TO COMMENCE A PROCEEDING TO, I GUESS, STAY THE JUDGMENT, ON THE GROUND, AS PERMITTED BY THE STATUTE, THAT YOU CAN PUT IN A DEFENSE WHICH WOULD BE THE SAME AS ANY DEFENSE THAT YOU COULD PUT INTO A FLORIDA JUDGMENT. WHICH IS THE SAME KINDS OF THINGS, THAT THERE WAS NOT DUE -- OF THINGS, THAT THERE WAS NOT DUE PROCESS OF LAW, THAT THE PERSON WAS NOT APPRISEED OF THE PROCEEDING, OR THAT THERE WAS FRAUD ON THE COURT OR SOME PROCEDURAL IMPEDIMENT TO IT, SO THAT THE SAFEGUARDS OF NOT ENFORCING JUDGMENTS WHICH SHOULDN'T BE ENFORCED IS CONTAINED IN BOTH STATUTES. THE PROCEDURES ARE SLIGHTLY DIFFERENT, BUT THE NET RESULT IS ABSOLUTELY THE SAME.

SO I UNDERSTAND SOME OF THE PRACTICAL EFFECTS OF THIS, THERE -- SOMEONE GETS A JUDGMENT IN TEXAS, AND HOW LONG DO THEY HAVE TO FILE FOR, UNDER THE UNIFORM ENFORCEABLE -- ENFORCEMENT FOREIGN JUDGMENT ACT IN FLORIDA?

FOR A SISTER STATE ACT?

YES.

THAT QUESTION IS ANOTHER CASE, BECAUSE FLORIDA HAS NOT DECIDED WHETHER OR NOT THAT FIVE-YEAR STATUTE, ON THE BRINGING OF COMMON LAW ACTIONS, APPLIES TO THE SISTER STATES ACT.

SO IT COULD BE --

MAY I JUST POINT OUT THAT THE DISTRICT COURT OF APPEALS'S JUDGE SHARP HAS POINTED OUT THAT THE PROVISION, WHICH, I THINK YOUR HONOR REFERRED TO BEFORE, WHICH IS IN THE SISTER STATES ACT, WHICH SAYS THAT THIS ACT SHALL NOT BE DEEMED TO ALTER, MODIFIED OR CHANGED THE STATUTE OF ACTIONS ON BRINGING OF A COMMON LAW ACTION TO ENFORCE A FOREIGN JUDGMENT. THE DISTRICT COURT OF APPEALS HAS POINTED OUT THAT THERE IS SOME AMBIGUITY THERE. THAT COULD MEAN THAT, WHEN YOU BRING A COMMON LAW ACTION, THAT THAT FIVE-YEAR STATUTE IS STILL INTENDED TO APPLY, BUT THAT UNDER THIS STATUTE, THE SISTER STATE ACT, IT DOES NOT APPLY, BUT MAYBE IT DOES. MY FEELING IS IT DOES, THAT THE FIVE-YEAR STATUTE --

DOES APPLY.

-- DOES APPLY, BECAUSE THE LEGISLATURE HAS IN MY VIEW, THE LANGUAGE WOULD INDICATE THAT, BUT I RECOGNIZE THAT -- I AM SORRY.

BUT THIS -- WHAT WE ARE DEALING, HERE, NOT AS WHAT OUR VIEW OF THE POLICY IS BUT WHAT OUR LEGISLATURE INTENDED TO DO, CORRECT?

YES.

SO THE UNIFORM ENFORCEMENT FOREIGN JUDGMENT ACT, THE SISTER STATE ACT.

YES.

THE LEGISLATURE COULD HAVE DECIDED TO GIVE FULL COMMITTY AND FULL -- COMMITTY AND SAID, IF IT WAS VALID HERE, IT WOULD BE RENDERED. WE DON'T KNOW THE DEFINITIVE ANSWER, UNTIL SOME COURT RULES.

YES.

NOW, EFFECT, GOING BACK TO WHAT EFFECT THERE WOULD BE ON THIS CASE, YOU ARE GOING TO SAY THAT FRANCE WOULD ENFORCE THE JUDGMENT IN FRANCE.

YES. SO AS LONG AS AN ACTION IS FILED WITHIN 30 YEARS IN THIS COUNTRY, THE JUDGMENT WOULD REMAIN ENFORCEABLE, SO REGISTRATION CAN BE CONNECTED WITHIN THAT 30-YEAR PERIOD, BUT, THEY, THEN, HAVE TAKEN THE ENFORCEMENT PERIOD AND SAID THAT HAS TO BE DONE WITHIN A 20-YEAR PERIOD AND SINCE REGISTRATION ENFORCEMENTS IS PART OF THIS ENFORCEMENT. EXPLAIN TO ME WHAT YOU THINK THE FIFTH DISTRICT SAID.

I READ THE FIFTH DISTRICT'S DECISION LAST NIGHT, AND I FOUND SOME AMBIGUITY ON THAT POINT, BUT I THINK THAT, WHAT JUDGE SHARP WAS SAYING, WAS THAT, ONCE YOU GET IT FILED AND RECOGNIZED, THAT THE 20-YEAR STATUTE ON THE ENFORCEABILITY OF DOMESTIC FLORIDA JUDGMENTS, THEN, APPLIES, AS OF THE DATE OF THE RENDERING, IT COMENCES TO RUN AS OF THE DATE OF THE RENDERING OF THE FOREIGN JUDGMENT.

SO THAT WOULD HAVE BEEN BACK IN '78.

'78.

SO YOU WOULD HAVE, THEN, 20 YEARS TO FINISH UP YOUR ENFORCEMENT?

TO ENFORCEMENT, WHICH, I THINK, IS -- TOTALLY UNDER MIMPBS THE STATUTE -- UNDERMINES THE STATUTE, BECAUSE WHAT YOU ARE, THEN, SAYING TO FRANCE, IS THAT YOUR JUDGMENTS, WHILE ENFORCEABLE IN FRANCE FOR 20 YEARS, WILL ONLY BE ENFORCEABLE IN FLORIDA FOR 20 YEARS. IN FRANCE IT IS 30 YEARS. ACCORDING TO JUDGE SHARP, THE DOMESTIC STATUTE OF LIMITATIONS WOULD LIMIT IT TO 20 YEARS.

WHEN WE TALK ABOUT ENFORCEABILITY, ONCE THIS WAS RECOGNIZED AS A JUDGMENT HERE, YOU WOULD STILL HAVE ANOTHER 20 YEARS TO COLLECT ON IT.

I THINK THAT IS WHAT SHOULD BE THE RULE, AND IF JUDGE SHARP SHARP WOULD ENFORCE -- IF JUDGE SHARP WOULD ENFORCE THAT, HE -- SHE.

SHE. I AM SORRY.

I THOUGHT YOU SAID EARLIER THAT THE 30-YEAR PERIOD IS ALL THAT IS APPLICABLE HERE.

THAT IS ALL THAT IS APPLICABLE HERE. THAT IS ALL THAT SHOULD BE APPLICABLE.

SO YOU WOULDN'T HAVE 20 YEAR YEARS TO ENFORCE IT. YOU WOULD HAVE WHATEVER NUMBER OF YEARS IS LEFT ON THE 30 YEARS.

NO. NO. BECAUSE THE LEGISLATE YOUR HAS, ALSO -- THE LEGISLATURE HAS, ALSO, SAID THAT, ONCE YOU FILE IT, IN FLORIDA, THEN YOU TREAT IT AS A FLORIDA JUDGMENT. NOW, THEY HAVE

LOOKED AT THIS PROBLEM IN THE FEDERAL SYSTEM AND IN THE STATE, SISTER STATE ACT CONTEXT, AND JUDGE BLACKMON, NOW JUSTICE BLACKMON, IN A DECISION WHICH IS OFTEN QUOTED AND CITED, I THINK IT IS STANFORD VERSUS UTTELY, SAID THAT, ONCE YOU FILE IT UNDER THE FEDERAL SYSTEM, IT BECOMES LIKE A NEW JUDGMENT OF THE REGISTRATION FORUM, AND YOU MEASURE THE DOMESTIC STATUTE OF LIMITATIONS, COMMENCING ON THE DATE OF REGISTRATION.

SO CONVERSELY --

THAT IS WHAT HE RULED, AND THAT IS WHAT MANY COURTS HAVE RULED, IN APPLYING THE SISTER STATE'S UNIFORM ACT.

SO IF YOU HAVE A FLORIDA JUDGMENT --

YES.

THAT THAT IS REGISTERED AND RECOGNIZED IN FRANCE --

YES.

DURING THE FLORIDA STATUTE OF LIMITATIONS PERIOD, THEN YOU WOULD HAVE 30 YEARS FROM THAT POINT IN FRANCE, TO ENFORCE YOUR JUDGMENT? I AM JUST WONDERING, IF IT WORKS THE SAME WAY.

NO. FLORIDA LAW IS OBVIOUSLY NOT BINDING ON THE FRENCH COURTS, SO WHEN YOU ARE TALKING ABOUT A FLORIDA JUDGMENT, AND HOW IT WOULD BE ENFORCED IN FRANCE, I CAN'T OPINE ON THAT.

I BELIEVE YOUR TIME IS UP. THANK YOU VERY MUCH.

THANK YOU.

MAY IT PLEASE THE COURT IN THE BRIEF TIME I HAVE FOR REBUTTAL, GOING BACK TO THIS QUESTION OF HOW THE ACT ACHIEVES RECIPROCITY, I READ, FROM THE AMERICAN BAR ASSOCIATION, BOARD OF GOVERNORS, NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM LAWS, THIS ACTUALLY IS QUOTED AT PAGE 5 OF THE RESPONDENT'S BRIEF. CODIFICATION, CODIFICATION BY A STATE, OF ITS RULES ON THE RECOGNITION OF MONEY JUDGMENTS, RENDERED IN A FOREIGN COURT, WILL MAKE IT MORE LIKELY THAT THE JUDGMENTS IN THE STATE WILL BE RECOGNIZED ABROAD. THAT IS THE CERTAINTY OF EXPECTATION PRINCIPLE. THAT IS HOW THE UNIFORM ACT IN DID YOU SEE RECOGNITION ABROAD OF FLORIDA JUDGMENTS, BY MAKING THE RULES PLAIN AND SIMPLE, AND IN A CODE NOT SUBJECT TO THE VAGERIES OF CASE LAW, WHICH WE IN COMMON LAW JURISDICTIONS WRESTLE WITH AND WHICH ARE A NIGHTMARE FOR CIVIL CODE JURISDICTIONS BUT NOT --

ONE THING THE FOREIGN JURISDICTION WANTS TO KNOW IS -- ONE THING THE FOREIGN COURTS WANT TO KNOW IS HOW LONG WILL WE ENFORCE A FLORIDA JUDGMENT?

CORRECT.

AND THAT, IN THIS CASE, WE SAY, FIVE YEARS, WHY DOESN'T THAT UNDERMINE THE VERY PURPOSE OF THE ACT?

YOUR HONOR, THERE IS A VERY SIMPLE ANSWER TO THAT. THIS HAS NEVER BEEN AMBIGUOUS OR DIFFICULT. THIS GETS TANGLED UP BECAUSE THERE IS ONLY ONE CASE OUT THERE, AND IT IS FROM ILLINOIS, ON THIS ACT, THE UNIFORM FOREIGN COUNTRY ACT. THE OTHER CASES ARE

UNDER THE REGISTRATION ACT, THE STATE ACT. THAT IS HOW IT GETS TANGLED UP. MAY I POINT OUT TO THE COURT, THE PLAIN LANGUAGE OF THESE STATUTES, 95.011, WE DON'T FOCUS ON THIS LANGUAGE VERY OFTEN. WE KIND OF TAKE IT FOR GRANTED, BUT LISTEN TO THE LANGUAGE OF THE STATUTE OF LIMITATIONS. A CIVIL ACTION OR PROCEEDING, CALLED "ACTION" IN THIS CHAPTER, SHALL BE BARRED, UNLESS GUN WITHIN THE TIME PRESCRIBED. A PROCEEDING SHALL BE BARRED, UNLESS GUN, WITHIN THE TIME PRESCRIBED IN THIS CHAPTER OR ELSEWHERE IN THE STATUTES.

LET ME GO BACK TO WHAT YOU HAD ARGUED AT THE OUTSET, IN -- YOU ARE SAYING THAT THE ACTION TO BRING IT WITHIN 95.11, IS THE RECOGNITION?

YES. I AM SAYING THAT --

IS THAT DIFFERENT THAN IF IT WERE UNDER THE SISTER STATE ACT?

NO. IT APPLIES --

SO IT WOULD BE FIVE YEARS.

EITHER WAY.

EITHER WAY.

95.11-2-A SAYS ACTIONS OTHER THAN FOR RECOVERY OF REAL PROPERTY SHALL BE COMMENCED AS FOLLOWS: 2-A, WITHIN FIVE YEARS, AN ACTION, THAT IS A PROCEEDING, ON A JUDGMENT OR DECREE OF ANY COURT --

BUT THAT WOULD MEAN THAT A JUDGMENT THAT WAS RENDERED BY A FLORIDA COURT --

YES.

-- WOULD, IN FACT, BE TREATED DIFFERENTLY THAN A JUDGMENT RENDERED BY A MISSOURI OR MISSISSIPPI COURT.

IF THE MISSOURI JUDGMENT IS TIMELY, RECORDED IN FLORIDA --

TIMELY RECORDED MEANS WITHIN FIVE YEARS.

FIVE YEARS.

BECAUSE WHAT YOU ARE SAYING --

THAT'S RIGHT.

-- IS THAT THERE HAS TO BE SOME FURTHER -- THAT THERE IS SOMETHING THAT WE WOULD DESIGNATE AS AN ACTION THAT HAS TO BE DONE, WHETHER IT BE A FRENCH OR A MISSISSIPPI JUDGMENT, THAT IS DIFFERENT THAN A FLORIDA JUDGMENT.

YES, YOUR HONOR, AND IT IS BECAUSE THE LEGISLATURE HAS SAID SO. I MUST EMPHASIZE THIS POINT, ABOVE ALL OTHERS. THE CONFUSION IN THE UEF-JA CASES, THE STATE COURT CASES, TURNS PRINCIPLY ON WHETHER OR NOT THE PROCEEDING, UNDER A SISTER STATE ACT, IS AN ACT CIVIL INNATE OR IT IS A MERE PROCEEDING. IN FLORIDA AN ACTION IS A CIVIL ACTION OR PROCEEDING. 2-A SAYS AN ACTION ON A JUDGMENT OR DECREE OF ANY COURT NOT OF RECORD OF THIS STATE OR ANY COURT OF THE U.S. OR ANY STATE OR TERRITORY IN THE U.S. OR A FOREIGN COUNTRY. THE SISTER STATE AND THE FOREIGN COUNTRY IS PART OF 2-A. SAME LAW. MUST BEGUN, COMMENCED, WITHIN FIVE YEARS, AND THE TURNER MURPHY DECISION TELLS US

THAT THAT FIVE YEARS RUNS FROM THE DATE THE JUDGMENT IS ENTERED IN THE ORIGINATING JURISDICTION. THE LEGISLATURE HAS SET THIS OUT. MAY I SAY, RESPECTFULLY, WE CAN DEBATE THE WISDOM OF THIS POLICY AND WHETHER OR NOT WE ARE GETTING ENOUGH RECIPROCITY IN FRANCE OR ELSEWHERE. ALL WE LIKE, THE LEGISLATURE HAS MANDATED THIS. THE LANGUAGE ISN'T UNCLEAR. A FRENCH COURT WOULD READ THIS AND SEE THAT, IN FLORIDA, THAT FRENCH JUDGMENT HAS TO BE PROPOSED, THE PROCEEDING HAS TO BE COMMENCED WITHIN FIVE YEARS OF RENDITION IN FRANCE. THAT MAY, IN FACT, LIMIT THE CIRCUMSTANCES UNDER WHICH A FRENCH COURT WOULD ENFORCE A FLORIDA JUDGMENT, BUT THAT IS THE BALANCING, THE FLORIDA LEGISLATURE HAS ENGAGED IN, BECAUSE WE ARE BALANCING RECIPROCITY --

YOUR TIME IS UP. THANK YOU VERY MUCH.