

1 A bill to be entitled
 2 An act relating to application of foreign law; creating s.
 3 45.022, F.S.; defining the term "foreign law, legal code,
 4 or system"; specifying the public policy of this state in
 5 applying the choice of a foreign law, legal code, or
 6 system under certain circumstances; declaring that certain
 7 decisions rendered under such laws, codes, or systems are
 8 void; declaring that certain choice of venue or forum
 9 provisions in a contract are void; providing for the
 10 construction of a waiver by a natural person of the
 11 person's constitutional rights; declaring that claims of
 12 forum non conveniens or related claims must be denied
 13 under certain circumstances; providing that the act does
 14 not apply to a corporation, partnership, or other form of
 15 business association; clarifying that the public policies
 16 expressed in the act apply to violations of a natural
 17 person's constitutional rights; providing for
 18 severability; providing an effective date.

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

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 22 Section 1. Section 45.022, Florida Statutes, is created to
 23 read:

24 45.022 Provisions contrary to public policy.—
 25 (1) As used in this section, the term "foreign law, legal
 26 code, or system" means any law, legal code, or system of a
 27 jurisdiction outside any state or territory of the United
 28 States, including, but not limited to, international

HB 1273

2011

29 organizations or tribunals, and applied by that jurisdiction's
30 courts, administrative bodies, or other formal or informal
31 tribunals.

32 (2) Any court, arbitration, tribunal, or administrative
33 agency ruling or decision violates the public policy of this
34 state and is void and unenforceable if the court, arbitration,
35 tribunal, or administrative agency bases its ruling or decision
36 in the matter at issue in whole or in part on any law, legal
37 code, or system that does not grant the parties affected by the
38 ruling or decision the same fundamental liberties, rights, and
39 privileges granted under the State Constitution and the
40 Constitution of the United States.

41 (3) (a) A contract or contractual provision, if severable,
42 which provides for the choice of a law, legal code, or system to
43 govern some or all of the disputes between the parties to be
44 adjudicated by a court of law or by an arbitration panel arising
45 from the contract violates the public policy of this state and
46 is void and unenforceable if the law, legal code, or system
47 chosen includes or incorporates any substantive or procedural
48 law, as applied to the dispute at issue, which would not grant
49 the parties the same fundamental liberties, rights, and
50 privileges granted under the State Constitution and the
51 Constitution of the United States.

52 (b) This subsection does not limit the right of a natural
53 person in this state to voluntarily restrict or limit his or her
54 constitutional rights by contract or specific waiver consistent
55 with constitutional principles, but the language of any such
56 contract or other waiver must be strictly construed in favor of

HB 1273

2011

57 preserving the natural person's constitutional rights.

58 (4) (a) If any contractual provision or agreement provides
59 for the choice of venue or forum outside a state or territory of
60 the United States, and if the enforcement or interpretation of
61 the contract or agreement applying that choice of venue or forum
62 provision would result in a violation of any right guaranteed by
63 the State Constitution of the Constitution of the United States,
64 that contractual provision or agreement shall be interpreted or
65 construed to preserve the constitutional rights of the person
66 against whom enforcement is sought. Similarly, if a natural
67 person subject to personal jurisdiction in this state seeks to
68 maintain litigation, arbitration, agency, or similarly binding
69 proceedings in this state, and if a court of this state finds
70 that granting a claim of forum non conveniens or a related claim
71 violates or would likely lead to the violation of any
72 constitutional right of the nonclaimant in the foreign forum
73 with respect to the matter in dispute, the claim shall be
74 denied.

75 (b) If a natural person who is subject to personal
76 jurisdiction in this state seeks to maintain litigation,
77 arbitration, agency, or similarly binding proceedings in this
78 state and the courts of this state find that granting a claim of
79 forum non conveniens or a related claim denies or would likely
80 lead to the denial of the constitutional rights of the
81 nonclaimant in the foreign forum with respect to the matter in
82 dispute, it is the public policy of this state that the claim be
83 denied. A claim of forum non conveniens or a related claim must
84 be denied if it denies or would deny any right of a natural

HB 1273

2011

85 person guaranteed by the State Constitution or the Constitution
86 of the United States or any statute or decision under those
87 constitutions.

88 (5) Without prejudice to any other legal right, this
89 section does not apply to a corporation, partnership, or other
90 form of business association.

91 (6) This section applies only to actual or foreseeable
92 denials of a natural person's constitutional rights from the
93 foreign law, legal code, or system.

94 (7) If any provision of this section or its application to
95 any natural person or circumstance is held invalid, the
96 invalidity does not affect other provisions or applications of
97 this section which can be given effect, and to that end the
98 provisions of this act are severable.

99 Section 2. This act shall take effect upon becoming a law.