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1 A bill to be entitled
2 An act relating to the application of foreign law in
3 courts; creating s. 61.040, F.S.; defining the term
4 "strong public policy"; prohibiting a court from
5 enforcing certain choice of law or forum selection
6 contractual provisions; requiring a court to review
7 judgments and orders of foreign courts for comity
8 before enforcing such orders or judgments; specifying
9 judgments and orders of foreign courts that are not
10 entitled to comity; providing that certain contracts
11 are void as against the public policy of this state;
12 prohibiting a trial court from dismissing an action on
13 the grounds that a satisfactory remedy may be more
14 conveniently sought in a foreign country; providing an
15 exception; providing applicability; providing an
16 effective date.

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

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20 Section 1. Section 61.040, Florida Statutes, is created to
21 read:

22 61.040 Application of the law of a foreign country in
23 courts relating to matters arising out of or relating to
24 chapters 61 and 88.—

25 (1) As used in this section, the term "strong public
26 policy" means public policy of sufficient importance to outweigh
27 the policy of protecting freedom of contract.

28 (2) A court may not enforce:

29 (a) A choice of law provision in a contract selecting the

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30 law of a foreign country which contravenes strong public policy
31 of this state or that is unjust or unreasonable.

32 (b) A forum selection clause in a contract that selects a
33 forum in a foreign country if the clause is shown to be
34 unreasonable or unjust or if strong public policy would prohibit
35 the enforceability of the clause under the specific facts of the
36 case.

37 (3) Before enforcing a judgment or order of a court of a
38 foreign country, a court must review the judgment or order to
39 ensure that it complies with the rule of comity. A judgment or
40 order of a court of a foreign country is not entitled to comity
41 if the parties were not given adequate notice and the
42 opportunity to be heard, the foreign court did not have
43 jurisdiction, or the judgment or order of the foreign court
44 offends the public policy of this state. As used in this
45 subsection, a "foreign court" or "court of a foreign country"
46 includes any court or tribunal that has jurisdiction under the
47 laws of that nation over the subject of matters governed by
48 chapter 61 or chapter 88.

49 (4) A contract that seeks to apply the law of a foreign
50 country is void as against the public policy of this state if it
51 is injurious to the interest of the public or contravenes some
52 established interest in society.

53 (5) A trial court may not dismiss an action on the grounds
54 that a satisfactory remedy may be more conveniently sought in a
55 foreign country unless the trial court finds in accordance with
56 the applicable rules of civil procedure and this section, that
57 an adequate alternate forum exists.

58 (6) This section applies only to matters governed by or

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59 relating to chapter 61 or chapter 88.

60 Section 2. This act shall take effect on October 1, 2014.