

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

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

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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

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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.