A bill to be entitled

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

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

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

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

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

(2) A court may not enforce:

(a) A choice of law provision in a contract selecting the
law of a foreign country which contravenes strong public policy
of this state or that is unjust or unreasonable.

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

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

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

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

(6) This section applies only to matters governed by or
relating to chapter 61 or chapter 88.

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