

1 A bill to be entitled
 2 An act relating to legal actions; amending s. 48.081,
 3 F.S.; providing for service of process on the Secretary of
 4 State for certain corporations under certain
 5 circumstances; amending s. 48.193, F.S.; specifying an
 6 additional act subjecting a person to state court
 7 jurisdiction; amending s. 55.502, F.S.; revising
 8 construction of the term "foreign judgment" under the
 9 Florida Enforcement of Foreign Judgments Act; amending ss.
 10 685.101 and 685.102, F.S.; revising application of choice
 11 of law and jurisdiction provisions to certain contracts,
 12 agreements, or undertakings; providing an effective date.

13

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

15

16 Section 1. Subsection (1) of section 48.081, Florida
 17 Statutes, is amended to read:

18 48.081 Service on corporation.--

19 (1) Process against any private corporation, domestic or
 20 foreign, may be served:

21 (a) On the president or vice president, or other head of
 22 the corporation;

23 (b) In the absence of any person described in paragraph
 24 (a), on the cashier, treasurer, secretary, or general manager;

25 (c) In the absence of any person described in paragraph
 26 (a) or paragraph (b), on any director; ~~or~~

27 (d) In the absence of any person described in paragraph
 28 (a), paragraph (b), or paragraph (c), on any officer or business
 29 agent residing in the state; or

30 (e) In the absence of any person described in paragraph
 31 (a), paragraph (b), paragraph (c), or paragraph (d), in the case
 32 of a domestic corporation or a registered foreign corporation on
 33 the Secretary of State in accordance with s. 48.151.

34 Section 2. Paragraph (i) is added to subsection (1) of
 35 section 48.193, Florida Statutes, to read:

36 48.193 Acts subjecting person to jurisdiction of courts of
 37 state.--

38 (1) Any person, whether or not a citizen or resident of
 39 this state, who personally or through an agent does any of the
 40 acts enumerated in this subsection thereby submits himself or
 41 herself and, if he or she is a natural person, his or her
 42 personal representative to the jurisdiction of the courts of
 43 this state for any cause of action arising from the doing of any
 44 of the following acts:

45 (i) Entering into a contract that complies with s.
 46 685.102.

47 Section 3. Subsection (1) of section 55.502, Florida
 48 Statutes, is amended to read:

49 55.502 Construction of act.--

50 (1) As used in ss. 55.501-55.509, the term "foreign
 51 judgment" means any judgment, decree, or order of a court ~~of any~~
 52 ~~other state or~~ of the United States or any other court which if
 53 ~~such judgment, decree, or order~~ is entitled to full faith and
 54 credit in this state.

55 Section 4. Section 685.101, Florida Statutes, is amended
 56 to read:

57 685.101 Choice of law.--

58 (1) The parties to any contract, agreement, or
 59 undertaking, contingent or otherwise, in consideration of or
 60 relating to any obligation arising out of a transaction
 61 involving in the aggregate not less than \$250,000, the
 62 equivalent thereof in any foreign currency, or services or
 63 tangible or intangible property, or both, of equivalent value,
 64 including a transaction otherwise covered by s. 671.105(1), may,
 65 to the extent permitted under the United States Constitution,
 66 agree that the law of this state will govern such contract,
 67 agreement, or undertaking, the effect thereof and their rights
 68 and duties thereunder, in whole or in part, whether or not such
 69 contract, agreement, or undertaking bears any relation to this
 70 state.

71 (2) This section does not apply to any contract,
 72 agreement, or undertaking:

73 ~~(a) Regarding any transaction which does not bear a~~
 74 ~~substantial or reasonable relation to this state in which every~~
 75 ~~party is either or a combination of:~~

76 ~~1. A resident and citizen of the United States, but not of~~
 77 ~~this state; or~~

78 ~~2. Incorporated or organized under the laws of another~~
 79 ~~state and does not maintain a place of business in this state;~~

80 (a) ~~(b)~~ For labor or employment;

81 (b) ~~(c)~~ Relating to any transaction for personal, family,
 82 or household purposes, ~~unless such contract, agreement, or~~

83 ~~undertaking concerns a trust at least one trustee of which~~
 84 ~~resides or transacts business as a trustee in this state, in~~
 85 ~~which case this section applies;~~

86 (c)~~(d)~~ To the extent provided to the contrary in s.
 87 671.105(2); or

88 (d)~~(e)~~ To the extent such contract, agreement, or
 89 undertaking is otherwise covered or affected by s. 655.55.

90 (3) This section does not limit or deny the enforcement of
 91 any provision respecting choice of law in any other contract,
 92 agreement, or undertaking.

93 (4) This section applies to+

94 ~~(a)~~ contracts entered into on or after June 30, 2006 ~~27,~~
 95 ~~1989; and~~

96 ~~(b) Contracts entered into prior to June 27, 1989, if an~~
 97 ~~action or proceeding relating to such contract is commenced on~~
 98 ~~or after June 27, 1989.~~

99 Section 5. Section 685.102, Florida Statutes, to read:

100 685.102 Jurisdiction.--

101 (1) Notwithstanding any law that limits the right of a
 102 person to maintain an action or proceeding, any person may, to
 103 the extent permitted under the United States Constitution,
 104 maintain in this state an action or proceeding against any
 105 person or other entity residing or located outside this state,
 106 if the action or proceeding arises out of or relates to any
 107 contract, agreement, or undertaking for which a choice of the
 108 law of this state, in whole or in part, has been made consistent
 109 with ~~pursuant to~~ s. 685.101 and which contains a provision by
 110 which such person or other entity residing or located outside

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111 | this state agrees to submit to the jurisdiction of the courts of
112 | this state.

113 | (2) This section does not affect the jurisdiction of the
114 | courts of this state over any action or proceeding arising out
115 | of or relating to any other contract, agreement, or undertaking.

116 | (3) This section applies to+

117 | ~~(a)~~ contracts entered into on or after June 30, 2006 ~~27,~~
118 | ~~1989; and~~

119 | ~~(b) Contracts entered into prior to June 27, 1989, if an~~
120 | ~~action or proceeding relating to such contract is commenced on~~
121 | ~~or after June 27, 1989.~~

122 | Section 6. This act shall take effect June 30, 2006.