

HB 1537

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CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to legal actions; amending s. 48.193,
7 F.S.; specifying an additional act subjecting a person to
8 state court jurisdiction; amending s. 55.502, F.S.;
9 revising construction of the term "foreign judgment" under
10 the Florida Enforcement of Foreign Judgments Act; amending
11 ss. 685.101 and 685.102, F.S.; revising application of
12 choice of law and jurisdiction provisions to certain
13 contracts, agreements, or undertakings; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (i) is added to subsection (1) of
19 section 48.193, Florida Statutes, to read:

20 48.193 Acts subjecting person to jurisdiction of courts of
21 state.--

22 (1) Any person, whether or not a citizen or resident of
23 this state, who personally or through an agent does any of the

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24 acts enumerated in this subsection thereby submits himself or
 25 herself and, if he or she is a natural person, his or her
 26 personal representative to the jurisdiction of the courts of
 27 this state for any cause of action arising from the doing of any
 28 of the following acts:

29 (i) Entering into a contract that complies with s.
 30 685.102.

31 Section 2. Subsection (1) of section 55.502, Florida
 32 Statutes, is amended to read:

33 55.502 Construction of act.--

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

39 Section 3. Section 685.101, Florida Statutes, is amended
 40 to read:

41 685.101 Choice of law.--

42 (1) The parties to any contract, agreement, or
 43 undertaking, contingent or otherwise, in consideration of or
 44 relating to any obligation arising out of a transaction
 45 involving in the aggregate not less than \$250,000, the
 46 equivalent thereof in any foreign currency, or services or
 47 tangible or intangible property, or both, of equivalent value,
 48 including a transaction otherwise covered by s. 671.105(1), may,
 49 to the extent permitted under the United States Constitution,
 50 agree that the law of this state will govern such contract,
 51 agreement, or undertaking, the effect thereof and their rights

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52 | and duties thereunder, in whole or in part, whether or not such
53 | contract, agreement, or undertaking bears any relation to this
54 | state.

55 | (2) This section does not apply to any contract,
56 | agreement, or undertaking:

57 | ~~(a) Regarding any transaction which does not bear a~~
58 | ~~substantial or reasonable relation to this state in which every~~
59 | ~~party is either or a combination of:~~

60 | 1. ~~A resident and citizen of the United States, but not of~~
61 | ~~this state; or~~

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

64 | (a)~~(b)~~ For labor or employment;

65 | (b)~~(e)~~ Relating to any transaction for personal, family,
66 | or household purposes, ~~unless such contract, agreement, or~~
67 | ~~undertaking concerns a trust at least one trustee of which~~
68 | ~~resides or transacts business as a trustee in this state, in~~
69 | ~~which case this section applies;~~

70 | (c)~~(d)~~ To the extent provided to the contrary in s.
71 | 671.105(2); or

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

74 | (3) This section does not limit or deny the enforcement of
75 | any provision respecting choice of law in any other contract,
76 | agreement, or undertaking.

77 | (4) This section applies to:

78 | ~~(a)~~ contracts entered into on or after June 30, 2006 ~~27,~~
79 | ~~1989; and~~

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

83 Section 4. Section 685.102, Florida Statutes, is amended
 84 to read:

85 685.102 Jurisdiction.--

86 (1) Notwithstanding any law that limits the right of a
 87 person to maintain an action or proceeding, any person may, to
 88 the extent permitted under the United States Constitution,
 89 maintain in this state an action or proceeding against any
 90 person or other entity residing or located outside this state,
 91 if the action or proceeding arises out of or relates to any
 92 contract, agreement, or undertaking for which a choice of the
 93 law of this state, in whole or in part, has been made consistent
 94 with ~~pursuant to~~ s. 685.101 and which contains a provision by
 95 which such person or other entity residing or located outside
 96 this state agrees to submit to the jurisdiction of the courts of
 97 this state.

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

101 (3) This section applies to:

102 ~~(a) contracts entered into on or after June 30, 2006 27,~~
 103 ~~1989; and~~

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

107 Section 5. This act shall take effect June 30, 2006.