

By Senator Webster

9-1419-06

1 A bill to be entitled

2 An act relating to legal actions; amending s.

3 48.081, F.S.; providing for service of process

4 on the Secretary of State for certain

5 corporations under certain circumstances;

6 amending s. 48.193, F.S.; providing that

7 entering into certain specified contracts

8 subjects a person to the jurisdiction of the

9 courts of this state; amending s. 55.502, F.S.;

10 redefining the term "foreign judgment" under

11 the Florida Enforcement of Foreign Judgments

12 Act; amending s. 685.102, F.S.; conforming

13 provisions to changes made by the act;

14 providing an effective date.

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

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18 Section 1. Subsection (1) of section 48.081, Florida

19 Statutes, is amended to read:

20 48.081 Service on corporation.--

21 (1) Process against any private corporation, domestic

22 or foreign, may be served:

23 (a) On the president or vice president, or other head

24 of the corporation;

25 (b) In the absence of any person described in

26 paragraph (a), on the cashier, treasurer, secretary, or

27 general manager;

28 (c) In the absence of any person described in

29 paragraph (a) or paragraph (b), on any director; ~~or~~

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1 (d) In the absence of any person described in
2 paragraph (a), paragraph (b), or paragraph (c), on any officer
3 or business agent residing in the state; ~~or-~~

4 (e) In the absence of any person described in
5 paragraph (a), paragraph (b), paragraph (c), or paragraph (d),
6 in the case of a domestic corporation or a registered foreign
7 corporation, on the Secretary of State in accordance with s.
8 48.151.

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

11 48.193 Acts subjecting person to jurisdiction of
12 courts of state.--

13 (1) Any person, whether or not a citizen or resident
14 of this state, who personally or through an agent does any of
15 the acts enumerated in this subsection thereby submits himself
16 or herself and, if he or she is a natural person, his or her
17 personal representative to the jurisdiction of the courts of
18 this state for any cause of action arising from the doing of
19 any of the following acts:

20 (i) Entering into a contract that complies with s.
21 685.102.

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

24 55.502 Construction of act.--

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

30 Section 4. Section 685.102, Florida Statutes, is
31 amended to read:

1 685.102 Jurisdiction.--

2 (1) Notwithstanding any law that limits the right of a
3 person to maintain an action or proceeding, any person may, to
4 the extent permitted under the United States Constitution,
5 maintain in this state an action or proceeding against any
6 person or other entity residing or located outside this state,
7 if the action or proceeding arises out of or relates to any
8 contract, agreement, or undertaking for which a choice of the
9 law of this state, in whole or in part, has been made
10 consistent with ~~pursuant to~~ s. 685.101 and which contains a
11 provision by which such person or other entity residing or
12 located outside this state agrees to submit to the
13 jurisdiction of the courts of this state.

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

18 (3) This section applies to+

19 ~~(a)~~ contracts entered into on or after June 30, 2006
20 ~~27, 1989; and~~

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

24 Section 5. This act shall take effect July 1, 2006.

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27 SENATE SUMMARY

28 Provides for service of process on the Secretary of State
29 for certain corporations under certain circumstances.
30 Provides that entering into certain specified contracts
31 subjects a person to the jurisdiction of the courts of
this state. Redefines the term "foreign judgment" under
the Florida Enforcement of Foreign Judgments Act.