

By the Committee on Judiciary; and Senator Webster

590-2483-06

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A bill to be entitled  
An act relating to legal actions; amending s.  
48.193, F.S.; providing that entering into  
certain specified contracts subjects a person  
to the jurisdiction of the courts of this  
state; amending s. 55.502, F.S.; redefining the  
term "foreign judgment" under the Florida  
Enforcement of Foreign Judgments Act; amending  
s. 685.102, F.S.; conforming provisions to  
changes made by the act; providing an effective  
date.

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

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

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

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

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

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

55.502 Construction of act.--

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

6 Section 3. Section 685.102, Florida Statutes, is  
7 amended to read:

8 685.102 Jurisdiction.--

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

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

25 (3) This section applies to+

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

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

31 Section 4. This act shall take effect July 1, 2006.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2298

The committee substitute removes a provision which would have permitted a person to serve process on the Secretary of State for corporations that could not be served otherwise.