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1 A bill to be entitled
2 An act relating to the jurisdiction of the courts;
3 amending s. 48.193, F.S.; including as an additional
4 basis for subjecting a person to the jurisdiction of
5 the courts of this state provisions which state that a
6 person submits to the jurisdiction of the courts of
7 this state by entering into a contract that designates
8 the law of this state as the law governing the
9 contract and that contains a provision by which such
10 person agrees to submit to the jurisdiction of the
11 courts of this state; amending s. 55.502, F.S.;
12 revising the definition of the term "foreign judgment"
13 for purposes of the Florida Enforcement of Foreign
14 Judgments Act; amending s. 684.0019, F.S.; clarifying
15 that an arbitral tribunal receiving a request for an
16 interim measure to preserve evidence in a dispute
17 governed by the Florida International Commercial
18 Arbitration Act need consider only to the extent
19 appropriate the potential harm that may occur if the
20 measure is not awarded or the possibility that the
21 requesting party will succeed on the merits of the
22 claim; amending s. 684.0026, F.S.; correcting a cross-
23 reference in the Florida International Commercial
24 Arbitration Act; amending s. 685.101, F.S.; deleting a
25 restriction on the jurisdiction of the courts of this
26 state to transactions bearing a substantial relation
27 to this state; revising application dates of
28 provisions relating to the jurisdiction of the courts;

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29 | amending s. 685.102, F.S.; revising application dates
 30 | of provisions relating to the jurisdiction of the
 31 | courts; providing an effective date.
 32 |

33 | Be It Enacted by the Legislature of the State of Florida:
 34 |

35 | Section 1. Subsection (1) of section 48.193, Florida
 36 | Statutes, is amended to read:

37 | 48.193 Acts subjecting person to jurisdiction of courts of
 38 | state.—

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

46 | (a) Operating, conducting, engaging in, or carrying on a
 47 | business or business venture in this state or having an office
 48 | or agency in this state.

49 | (b) Committing a tortious act within this state.

50 | (c) Owning, using, possessing, or holding a mortgage or
 51 | other lien on any real property within this state.

52 | (d) Contracting to insure any person, property, or risk
 53 | located within this state at the time of contracting.

54 | (e) With respect to a proceeding for alimony, child
 55 | support, or division of property in connection with an action to
 56 | dissolve a marriage or with respect to an independent action for

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57 support of dependents, maintaining a matrimonial domicile in
 58 this state at the time of the commencement of this action or, if
 59 the defendant resided in this state preceding the commencement
 60 of the action, whether cohabiting during that time or not. This
 61 paragraph does not change the residency requirement for filing
 62 an action for dissolution of marriage.

63 (f) Causing injury to persons or property within this
 64 state arising out of an act or omission by the defendant outside
 65 this state, if, at or about the time of the injury, either:

66 1. The defendant was engaged in solicitation or service
 67 activities within this state; or

68 2. Products, materials, or things processed, serviced, or
 69 manufactured by the defendant anywhere were used or consumed
 70 within this state in the ordinary course of commerce, trade, or
 71 use.

72 (g) Breaching a contract in this state by failing to
 73 perform acts required by the contract to be performed in this
 74 state.

75 (h) With respect to a proceeding for paternity, engaging
 76 in the act of sexual intercourse within this state with respect
 77 to which a child may have been conceived.

78 (i) Entering into a contract that complies with s.
 79 685.102.

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

82 55.502 Construction of act.—

83 (1) As used in ss. 55.501-55.509, the term "foreign
 84 judgment" means any judgment, decree, or order of a court which

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85 ~~of any other state or of the United States if such judgment,~~
 86 ~~decree, or order~~ is entitled to full faith and credit in this
 87 state.

88 Section 3. Section 684.0019, Florida Statutes, is amended
 89 to read:

90 684.0019 Conditions for granting interim measures.—

91 (1) The party requesting an interim measure under s.
 92 684.0018 must satisfy the arbitral tribunal that:

93 (a) Harm not adequately reparable by an award of damages
 94 is likely to result if the measure is not ordered, and such harm
 95 substantially outweighs the harm that is likely to result to the
 96 party against whom the measure is directed if the measure is
 97 granted; and

98 (b) A reasonable possibility exists that the requesting
 99 party will succeed on the merits of the claim. The determination
 100 on this possibility does not affect the discretion of the
 101 arbitral tribunal in making any subsequent determination.

102 (2) With regard to a request for an interim measure under
 103 s. 684.0018(4) ~~s. 684.0018~~, the requirements in subsection (1)
 104 apply only to the extent the arbitral tribunal considers
 105 appropriate.

106 Section 4. Section 684.0026, Florida Statutes, is amended
 107 to read:

108 684.0026 Recognition and enforcement.—

109 (1) An interim measure issued by an arbitral tribunal
 110 shall be recognized as binding and, unless otherwise provided by
 111 the arbitral tribunal, enforced upon application to the
 112 competent court, irrespective of the country in which it was

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113 issued, subject to s. 684.0027 ~~s. 684.0019(1)~~.

114 (2) The party who is seeking or has obtained recognition
115 or enforcement of an interim measure shall promptly inform the
116 court of the termination, suspension, or modification of the
117 interim measure.

118 (3) The court where recognition or enforcement is sought
119 may, if it considers it proper, order the requesting party to
120 provide appropriate security if the arbitral tribunal has not
121 already made a determination with respect to security or if such
122 a decision is necessary to protect the rights of third parties.

123 Section 5. Section 685.101, Florida Statutes, is amended
124 to read:

125 685.101 Choice of law.—

126 (1) The parties to any contract, agreement, or
127 undertaking, contingent or otherwise, in consideration of or
128 relating to any obligation arising out of a transaction
129 involving in the aggregate at least ~~not less than~~ \$250,000, the
130 equivalent thereof in any foreign currency, or services or
131 tangible or intangible property, or both, of equivalent value,
132 including a transaction otherwise covered by s. 671.105(1), may,
133 to the extent permitted under the United States Constitution,
134 agree that the law of this state will govern such contract,
135 agreement, or undertaking, the effect thereof and their rights
136 and duties thereunder, in whole or in part, whether or not such
137 contract, agreement, or undertaking bears any relation to this
138 state.

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

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

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

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

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

149 ~~(b) (e)~~ Relating to any transaction for personal, family,
 150 or household purposes, unless such contract, agreement, or
 151 undertaking concerns a trust at least one trustee of which
 152 resides or transacts business as a trustee in this state, in
 153 which case this section applies;

154 ~~(c) (d)~~ To the extent provided to the contrary in s.
 155 671.105(2); or

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

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

161 (4) This section applies to:

162 ~~(a)~~ contracts entered into on or after July 1, 2012 ~~June~~
 163 ~~27, 1989; and~~

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

167 Section 6. Section 685.102, Florida Statutes, is amended
 168 to read:

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169 685.102 Jurisdiction.—

170 (1) Notwithstanding any law that limits the right of a
 171 person to maintain an action or proceeding, any person may, to
 172 the extent permitted under the United States Constitution,
 173 maintain in this state an action or proceeding against any
 174 person or other entity residing or located outside this state,
 175 if the action or proceeding arises out of or relates to any
 176 contract, agreement, or undertaking for which a choice of the
 177 law of this state, in whole or in part, has been made consistent
 178 with ~~pursuant to~~ s. 685.101 and which contains a provision by
 179 which such person or other entity residing or located outside
 180 this state agrees to submit to the jurisdiction of the courts of
 181 this state.

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

185 (3) This section applies to:

186 ~~(a)~~ contracts entered into on or after July 1, 2012 ~~June~~
 187 ~~27, 1989;~~ and

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

191 Section 7. This act shall take effect July 1, 2012.