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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2013	.	
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The Committee on Judiciary (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) A ~~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



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14 this state for any cause of action arising from ~~the doing of~~ any
15 of the following acts:

16 (a) Operating, conducting, engaging in, or carrying on a
17 business or business venture in this state or having an office
18 or agency in this state.

19 (b) Committing a tortious act within this state.

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

22 (d) Contracting to insure a ~~any~~ person, property, or risk
23 located within this state at the time of contracting.

24 (e) With respect to a proceeding for alimony, child
25 support, or division of property in connection with an action to
26 dissolve a marriage or with respect to an independent action for
27 support of dependents, maintaining a matrimonial domicile in
28 this state at the time of the commencement of this action or, if
29 the defendant resided in this state preceding the commencement
30 of the action, whether cohabiting during that time or not. This
31 paragraph does not change the residency requirement for filing
32 an action for dissolution of marriage.

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

36 1. The defendant was engaged in solicitation or service
37 activities within this state; or

38 2. Products, materials, or things processed, serviced, or
39 manufactured by the defendant anywhere were used or consumed
40 within this state in the ordinary course of commerce, trade, or
41 use.

42 (g) Breaching a contract in this state by failing to



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43 perform acts required by the contract to be performed in this
44 state.

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

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

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

51 55.502 Construction of act.—

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

57 Section 3. Subsection (3) of section 684.0002, Florida
58 Statutes, is amended to read:

59 684.0002 Scope of application.—

60 (3) An arbitration is international if:

61 (a) The parties to an arbitration agreement have, at the
62 time of the conclusion of that agreement, their places of
63 business in different countries; or

64 (b) One of the following places is situated outside the
65 country in which the parties have their places of business:

66 1. The place of arbitration if determined in, or pursuant
67 to, the arbitration agreement; or

68 2. Any place where a substantial part of the obligations of
69 the commercial relationship are to be performed or the place
70 with which the subject matter of the dispute is most closely
71 connected; or



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72 (c) The parties have expressly agreed that the subject
73 matter of the arbitration agreement relates to more than one
74 country.

75 Section 4. Subsection (2) of section 684.0003, Florida
76 Statutes, is amended to read:

77 684.0003 Definitions and rules of interpretation.—

78 (2) A provision of this chapter, except s. 684.0039 ~~s.~~
79 ~~684.0038~~, which leaves the parties free to determine a certain
80 issue, includes the right of the parties to authorize a third
81 party, including an institution, to make that determination.

82 Section 5. Section 684.0019, Florida Statutes, is amended
83 to read:

84 684.0019 Conditions for granting interim measures.—

85 (1) The party requesting an interim measure under s.
86 684.0018 shall ~~must~~ satisfy the arbitral tribunal that:

87 (a) Harm not adequately reparable by an award of damages is
88 likely to result if the measure is not ordered, and such harm
89 substantially outweighs the harm that is likely to result to the
90 party against whom the measure is directed if the measure is
91 granted; and

92 (b) A reasonable possibility exists that the requesting
93 party will succeed on the merits of the claim. The determination
94 on this possibility does not affect the discretion of the
95 arbitral tribunal in making any subsequent determination.

96 (2) With regard to a request for an interim measure under
97 s. 684.0018(4) ~~s. 684.0018~~, the requirements in subsection (1)
98 apply only to the extent the arbitral tribunal considers
99 appropriate.

100 Section 6. Section 684.0026, Florida Statutes, is amended



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101 to read:

102 684.0026 Recognition and enforcement.—

103 (1) An interim measure issued by an arbitral tribunal must
104 ~~shall~~ be recognized as binding and, unless otherwise provided by
105 the arbitral tribunal, enforced upon application to the
106 competent court, irrespective of the country in which it was
107 issued, subject to s. 684.0027 ~~s. 684.0019(1)~~.

108 (2) The party who is seeking or has obtained recognition or
109 enforcement of an interim measure shall promptly inform the
110 court of the termination, suspension, or modification of the
111 interim measure.

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

117 Section 7. Section 684.0049, Florida Statutes, is created
118 to read:

119 684.0049 Consent to jurisdiction.—The initiation of
120 arbitration in this state, or the making of a written contract,
121 agreement, or undertaking to arbitrate which provides for
122 arbitration in this state, constitutes a consent to exercise in
123 personam jurisdiction by the courts of this state in any action
124 arising out of or in connection with the arbitration and any
125 resulting order or award.

126 Section 8. This act shall take effect July 1, 2013.

127
128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:



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130 Delete everything before the enacting clause
131 and insert:

132 A bill to be entitled
133 An act relating to the jurisdiction of the courts;
134 amending s. 48.193, F.S.; providing that a person
135 submits to the jurisdiction of the courts of this
136 state by entering into a contract that specifies that
137 the law of this state governs the contract and that
138 the person agrees to submit to the jurisdiction of the
139 courts of this state; amending s. 55.502, F.S.;
140 revising the definition of the term "foreign judgment"
141 for purposes of the Florida Enforcement of Foreign
142 Judgments Act; amending s. 684.0002, F.S.; clarifying
143 the circumstances under which an arbitration is
144 international; amending s. 684.0003, F.S.; correcting
145 a cross-reference; amending s. 684.0019, F.S.;
146 limiting the application of certain provisions to
147 instances in which an arbitral tribunal orders a party
148 to preserve evidence that may be relevant and material
149 to the resolution of a dispute; amending s. 684.0026,
150 F.S.; correcting a cross-reference in the Florida
151 International Commercial Arbitration Act; creating s.
152 684.0049, F.S.; providing that the initiation of
153 arbitration in this state, or the making of a written
154 agreement to arbitrate which provides for arbitration
155 in this state, constitutes a consent to exercise in
156 personam jurisdiction by the courts of this state;
157 providing an effective date.