

By the Committee on Judiciary; and Senator Diaz de la Portilla

590-02600-13

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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.; providing that a person
4 submits to the jurisdiction of the courts of this
5 state by entering into a contract that specifies that
6 the law of this state governs the contract and that
7 the person agrees to submit to the jurisdiction of the
8 courts of this state; amending s. 55.502, F.S.;

9 revising the definition of the term "foreign judgment"
10 for purposes of the Florida Enforcement of Foreign
11 Judgments Act; amending s. 684.0002, F.S.; clarifying
12 the circumstances under which an arbitration is
13 international; amending s. 684.0003, F.S.; correcting
14 a cross-reference; amending s. 684.0019, F.S.;

15 limiting the application of certain provisions to
16 instances in which an arbitral tribunal orders a party
17 to preserve evidence that may be relevant and material
18 to the resolution of a dispute; amending s. 684.0026,
19 F.S.; correcting a cross-reference in the Florida
20 International Commercial Arbitration Act; creating s.
21 684.0049, F.S.; providing that the initiation of
22 arbitration in this state, or the making of a written
23 agreement to arbitrate which provides for arbitration
24 in this state, constitutes a consent to exercise in
25 personam jurisdiction by the courts of this state;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (1) of section 48.193, Florida
31 Statutes, is amended to read:

32 48.193 Acts subjecting person to jurisdiction of courts of
33 state.—

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

41 (a) Operating, conducting, engaging in, or carrying on a
42 business or business venture in this state or having an office
43 or agency in this state.

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

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

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

49 (e) With respect to a proceeding for alimony, child
50 support, or division of property in connection with an action to
51 dissolve a marriage or with respect to an independent action for
52 support of dependents, maintaining a matrimonial domicile in
53 this state at the time of the commencement of this action or, if
54 the defendant resided in this state preceding the commencement
55 of the action, whether cohabiting during that time or not. This
56 paragraph does not change the residency requirement for filing
57 an action for dissolution of marriage.

58 (f) Causing injury to persons or property within this state

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59 arising out of an act or omission by the defendant outside this
60 state, if, at or about the time of the injury, either:

61 1. The defendant was engaged in solicitation or service
62 activities within this state; or

63 2. Products, materials, or things processed, serviced, or
64 manufactured by the defendant anywhere were used or consumed
65 within this state in the ordinary course of commerce, trade, or
66 use.

67 (g) Breaching a contract in this state by failing to
68 perform acts required by the contract to be performed in this
69 state.

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

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

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

76 55.502 Construction of act.—

77 (1) As used in ss. 55.501-55.509, the term "foreign
78 judgment" means a ~~any~~ judgment, decree, or order of a court of
79 any other state, territory or commonwealth of the United States,
80 or of the United States if such judgment, decree, or order is
81 entitled to full faith and credit in this state.

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

84 684.0002 Scope of application.—

85 (3) An arbitration is international if:

86 (a) The parties to an arbitration agreement have, at the
87 time of the conclusion of that agreement, their places of

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88 business in different countries; or

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

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

93 2. Any place where a substantial part of the obligations of
94 the commercial relationship are to be performed or the place
95 with which the subject matter of the dispute is most closely
96 connected; or

97 (c) The parties have expressly agreed that the subject
98 matter of the arbitration agreement relates to more than one
99 country.

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

102 684.0003 Definitions and rules of interpretation.—

103 (2) A provision of this chapter, except s. 684.0039 ~~s.~~
104 ~~684.0038~~, which leaves the parties free to determine a certain
105 issue, includes the right of the parties to authorize a third
106 party, including an institution, to make that determination.

107 Section 5. Section 684.0019, Florida Statutes, is amended
108 to read:

109 684.0019 Conditions for granting interim measures.—

110 (1) The party requesting an interim measure under s.
111 684.0018 shall ~~must~~ satisfy the arbitral tribunal that:

112 (a) Harm not adequately reparable by an award of damages is
113 likely to result if the measure is not ordered, and such harm
114 substantially outweighs the harm that is likely to result to the
115 party against whom the measure is directed if the measure is
116 granted; and

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117 (b) A reasonable possibility exists that the requesting
118 party will succeed on the merits of the claim. The determination
119 on this possibility does not affect the discretion of the
120 arbitral tribunal in making any subsequent determination.

121 (2) With regard to a request for an interim measure under
122 s. 684.0018(4) ~~s. 684.0018~~, the requirements in subsection (1)
123 apply only to the extent the arbitral tribunal considers
124 appropriate.

125 Section 6. Section 684.0026, Florida Statutes, is amended
126 to read:

127 684.0026 Recognition and enforcement.—

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

133 (2) The party who is seeking or has obtained recognition or
134 enforcement of an interim measure shall promptly inform the
135 court of the termination, suspension, or modification of the
136 interim measure.

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

142 Section 7. Section 684.0049, Florida Statutes, is created
143 to read:

144 684.0049 Consent to jurisdiction.—The initiation of
145 arbitration in this state, or the making of a written contract,

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146 agreement, or undertaking to arbitrate which provides for
147 arbitration in this state, constitutes a consent to exercise in
148 personam jurisdiction by the courts of this state in any action
149 arising out of or in connection with the arbitration and any
150 resulting order or award.

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