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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; providing that penalties or
9 fines imposed by agencies of other states are not
10 enforceable in certain circumstances; amending s.
11 55.502, F.S.; revising the definition of the term
12 "foreign judgment" for purposes of the Florida
13 Enforcement of Foreign Judgments Act; amending s.
14 684.0002, F.S.; clarifying the circumstances under
15 which an arbitration is international; amending s.
16 684.0003, F.S.; correcting a cross-reference; amending
17 s. 684.0019, F.S.; limiting the application of certain
18 provisions to instances in which an arbitral tribunal
19 orders a party to preserve evidence that may be
20 relevant and material to the resolution of a dispute;
21 amending s. 684.0026, F.S.; correcting a cross-
22 reference in the Florida International Commercial
23 Arbitration Act; creating s. 684.0049, F.S.; providing
24 that the initiation of arbitration in this state, or
25 the making of a written agreement to arbitrate which
26 provides for arbitration in this state, constitutes a
27 consent to exercise in personam jurisdiction by the
28 courts of this state; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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

34 48.193 Acts subjecting person to jurisdiction of courts of
35 state.—

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

43 1. ~~(a)~~ Operating, conducting, engaging in, or carrying on a
44 business or business venture in this state or having an office
45 or agency in this state.

46 2. ~~(b)~~ Committing a tortious act within this state.

47 3. ~~(c)~~ Owning, using, possessing, or holding a mortgage or
48 other lien on any real property within this state.

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

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

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59 an action for dissolution of marriage.

60 6.~~(f)~~ Causing injury to persons or property within this
61 state arising out of an act or omission by the defendant outside
62 this state, if, at or about the time of the injury, either:

63 a.1.~~1.~~ The defendant was engaged in solicitation or service
64 activities within this state; or

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

69 7.~~(g)~~ Breaching a contract in this state by failing to
70 perform acts required by the contract to be performed in this
71 state.

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

75 9. Entering into a contract that complies with s. 685.102.

76 (b) Notwithstanding any provision of this subsection, a
77 penalty or fine imposed by an agency of any other state shall
78 not be enforceable against any person or entity incorporated or
79 having its principal place of business in this state where such
80 other state does not provide a mandatory right of review of such
81 agency decision in a state court of competent jurisdiction.

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

84 55.502 Construction of act.—

85 (1) As used in ss. 55.501-55.509, the term "foreign
86 judgment" means a ~~any~~ judgment, decree, or order of a court of
87 any other state, territory or commonwealth of the United States,

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88 or of the United States if such judgment, decree, or order is
89 entitled to full faith and credit in this state.

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

92 684.0002 Scope of application.—

93 (3) An arbitration is international if:

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

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

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

101 2. Any place where a substantial part of the obligations of
102 the commercial relationship are to be performed or the place
103 with which the subject matter of the dispute is most closely
104 connected; or

105 (c) The parties have expressly agreed that the subject
106 matter of the arbitration agreement relates to more than one
107 country.

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

110 684.0003 Definitions and rules of interpretation.—

111 (2) A provision of this chapter, except s. 684.0039 ~~s.~~
112 ~~684.0038~~, which leaves the parties free to determine a certain
113 issue, includes the right of the parties to authorize a third
114 party, including an institution, to make that determination.

115 Section 5. Section 684.0019, Florida Statutes, is amended
116 to read:

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117 684.0019 Conditions for granting interim measures.—

118 (1) The party requesting an interim measure under s.
119 684.0018 shall ~~must~~ satisfy the arbitral tribunal that:

120 (a) Harm not adequately reparable by an award of damages is
121 likely to result if the measure is not ordered, and such harm
122 substantially outweighs the harm that is likely to result to the
123 party against whom the measure is directed if the measure is
124 granted; and

125 (b) A reasonable possibility exists that the requesting
126 party will succeed on the merits of the claim. The determination
127 on this possibility does not affect the discretion of the
128 arbitral tribunal in making any subsequent determination.

129 (2) With regard to a request for an interim measure under
130 s. 684.0018(4) ~~s. 684.0018~~, the requirements in subsection (1)
131 apply only to the extent the arbitral tribunal considers
132 appropriate.

133 Section 6. Section 684.0026, Florida Statutes, is amended
134 to read:

135 684.0026 Recognition and enforcement.—

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

141 (2) The party who is seeking or has obtained recognition or
142 enforcement of an interim measure shall promptly inform the
143 court of the termination, suspension, or modification of the
144 interim measure.

145 (3) The court where recognition or enforcement is sought

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146 may, if it considers it proper, order the requesting party to
147 provide appropriate security if the arbitral tribunal has not
148 already made a determination with respect to security or if such
149 a decision is necessary to protect the rights of third parties.

150 Section 7. Section 684.0049, Florida Statutes, is created
151 to read:

152 684.0049 Consent to jurisdiction.—The initiation of
153 arbitration in this state, or the making of a written contract,
154 agreement, or undertaking to arbitrate which provides for
155 arbitration in this state, constitutes a consent to exercise in
156 personam jurisdiction by the courts of this state in any action
157 arising out of or in connection with the arbitration and any
158 resulting order or award.

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