

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.

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

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

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

(b) Committing a tortious act within this state.

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

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

(e) With respect to a proceeding for alimony, child support, or division of property in connection with an action to dissolve a marriage or with respect to an independent action for support of dependents, maintaining a matrimonial domicile in this state at the time of the commencement of this action or, if the defendant resided in this state preceding the commencement of the action, whether cohabiting during that time or not. This 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  
 59 | state arising out of an act or omission by the defendant outside  
 60 | this 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  
 71 | in the act of sexual intercourse within this state with respect  
 72 | to which a child may have been conceived.

73 | (i) Entering into a contract that complies with s.  
 74 | 685.102.

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

77 | 55.502 Construction of act.—

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

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

85 | 684.0002 Scope of application.—

86 | (3) An arbitration is international if:

87 | (a) The parties to an arbitration agreement have, at the  
88 | time of the conclusion of that agreement, their places of  
89 | business in different countries; or

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

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

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

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

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

103 | 684.0003 Definitions and rules of interpretation.—

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

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

110 | 684.0019 Conditions for granting interim measures.—

111 | (1) The party requesting an interim measure under s.  
112 | 684.0018 shall ~~must~~ satisfy the arbitral tribunal that:

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

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

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

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

128 684.0026 Recognition and enforcement.—

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

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

138 (3) The court where recognition or enforcement is sought  
139 may, if it considers it proper, order the requesting party to  
140 provide appropriate security if the arbitral tribunal has not

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141 | already made a determination with respect to security or if such  
142 | a decision is necessary to protect the rights of third parties.

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

145 |       684.0049 Consent to jurisdiction.—The initiation of  
146 | arbitration in this state, or the making of a written contract,  
147 | agreement, or undertaking to arbitrate which provides for  
148 | arbitration in this state, constitutes a consent to exercise in  
149 | personam jurisdiction by the courts of this state in any action  
150 | arising out of or in connection with the arbitration and any  
151 | resulting order or award.

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