

1984

## Session Law 84-002

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1984	Session Law No. 84-2	LOF Cite	#pp
Prime Bill# SB 28	Sponsor	Comp./Sim. Bills 112 . 1	
JLMC Hist. Leq. Cites	Senate pp.#s	House pp.#s	#pp
Committee of Ref.	Senate House Justice (Sub. 1)	Previous versions? SB. 352	

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
11		1984		18/240	v
"	"	1983	Bill files: SB 352	19/1111	1
"	"			18/1413	/

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

# Florida Legislature

## History of Legislation 1984 Regular Session



prepared by:

## Joint Legislative Management Committee

Legislative Information Division  
Capitol Building, Room 826 — 488-4371

- 06/01/84 SENATE Died in Committee on Economic, Community and Consumer Affairs
- S 0024 GENERAL BILL by Myers (Similar H 0034, Compare H 0033, S 0025)  
Initiative Petitions, authorizes verification of signatures on initiative petitions by an approved random sample method, under specified conditions Amends 100 371 Effective Date Contingent  
 10/21/83 SENATE Prefiled  
 11/04/83 SENATE Referred to Judiciary-Civil  
 04/03/84 SENATE Introduced, referred to Judiciary Civil SJ 00008  
 04/13/84 SENATE Extension of time granted Committee Judiciary Civil  
 04/25/84 SENATE Withdrawn from Judiciary-Civil Indefinitely postponed -SJ 00166
- S 0025 JOINT RESOLUTION by Myers (Similar H 0033, Compare H 0034, S 0024)  
Initiative Petitions, constitutional amendment to authorize checking of names on initiative petitions by random sample method, as provided by law Amends s. 3, Art. XI  
 10/21/83 SENATE Prefiled  
 11/04/83 SENATE Referred to Judiciary-Civil, Rules and Calendar  
 04/03/84 SENATE Introduced, referred to Judiciary-Civil, Rules and Calendar SJ 00008  
 04/13/84 SENATE Extension of time granted Committee Judiciary-Civil  
 04/25/84 SENATE Withdrawn from Judiciary-Civil, Rules and Calendar, Indefinitely postponed -SJ 00166
- S 0026 GENERAL BILL/CS by Transportation, Myers, Henderson (Similar CS/H 0825, Compare H 0244, H 0746, S 0260, CS/S 0383)  
Vehicle Safety Equipment, provides for annual m v inspection program, provides for local inspection of exhaust emissions, provides time limits for inspection of new & newly registered motor vehicles, provides for qualification of & agreement with contractors, etc Creates 325 41- 37 Effective Date 07/01/84  
 10/21/83 SENATE Prefiled  
 11/04/83 SENATE Referred to Transportation, Appropriations  
 04/03/84 SENATE Introduced referred to Transportation, Appropriations -SJ 00008  
 04/16/84 SENATE Extension of time granted Committee Transportation  
 04/23/84 SENATE On Committee agenda-- Transportation, 04/25/84, 2 00 pm, Rm C  
 04/25/84 SENATE CS combines this bill and 260, Comm Report CS by Transportation -SJ 00190, CS read first time 05/01/84 -SJ 00191  
 04/30/84 SENATE Now in Appropriations -SJ 00190  
 05/14/84 SENATE Extension of time granted Committee Appropriations  
 05/28/84 SENATE Extension of time granted Committee Appropriations  
 06/01/84 SENATE Died in Committee on Appropriations
- S 0027 GENERAL BILL/CS by Health and Rehabilitative Services, Childers, Don (Similar H 0249)  
Hospitals prohibits hospital from denying staff membership or clinical privileges to a physician or an osteopathic physician because of refusal to perform abortions or euthanasia Amends 395 011 Effective Date 10/01/84  
 10/21/83 SENATE Prefiled  
 11/04/83 SENATE Referred to Health and Rehabilitative Services  
 02/17/84 SENATE On Committee agenda-- HRS, 03/06/84, 2 00 pm, Rm A  
 03/06/84 SENATE Comm Report CS placed on Calendar by Health and Rehabilitative Services  
 04/03/84 SENATE Introduced, referred to Health and Rehabilitative Services -SJ 00008, Comm Report CS placed on Calendar by Health and Rehabilitative Services -SJ 00053, CS read first time -SJ 00054  
 06/01/84 SENATE Died on Calendar
- (S 0028) GENERAL BILL by Fox (Similar H 0027)  
Civil Actions, expands the in personam jurisdiction of Florida courts provides for service of process on corporations & nonresidents Amends 48 081 181, 193 Effective Date 04/25/84  
 CONTINUED ON NEXT PAGE

10/24/83 SENATE Prefiled  
 11/04/83 SENATE Referred to Judiciary-Civil  
 11/16/83 SENATE On Committee agenda - Judiciary Civil, 12/07/83, 9 00  
 am, Rm B  
 12/07/83 SENATE Comm Report Favorable, placed on Calendar by  
 Judiciary-Civil  
 04/03/84 SENATE Introduced, referred to Judiciary-Civil -SJ 00008,  
 Comm Report Favorable, placed on Calendar by  
 Judiciary-Civil -SJ 00053, Placed on Special Order  
 Calendar  
 04/10/84 SENATE Placed on Special Order Calendar, Passed, YEAS 35 NAYS  
 0 -SJ 00095  
 04/12/84 HOUSE In Messages  
 04/13/84 HOUSE Received, placed on Calendar -HJ 00165, Substituted for  
 HB 27, Read second time, Read third time, Passed, YEAS  
 104 NAYS 0 -HJ 00190  
 04/16/84 Ordered enrolled -SJ 00136  
 04/18/84 SENATE Signed by Officers and presented to Governor -SJ 00148  
 04/25/84 Approved by Governor Chapter No 84-2 -SJ 00194

S 0029 GENERAL BILL/CS by Appropriations, Henderson (Compare CS/H 1059,  
 CS/S 0986)  
Oil Recycling, prohibits specified acts with respect to used oil,  
 provides for public education program, provides for registration of  
 certain used oil transporters & facilities, provides for registration  
 fees & annual reports, provides for enforcement, etc Repeals 528 01(2)  
 Appropriation \$78,700 Effective Date 10/01/84  
 10/25/83 SENATE Prefiled  
 11/04/83 SENATE Referred to Natural Resources and Conservation,  
 Appropriations  
 01/20/84 SENATE On Committee agenda-- Natural Res & Cons , 02/08/84,  
 9 00 am, Rm H  
 02/08/84 SENATE Comm Report Favorable with amend by Natural  
 Resources and Conservation, Now in Appropriations  
 04/03/84 SENATE Introduced, referred to Natural Resources and  
 Conservation, Appropriations -SJ 00008, Comm Report  
 Favorable with amend by Natural Resources and  
 Conservation, Now in Appropriations -SJ 00052  
 04/24/84 SENATE On Committee agenda-- Appropriations, 04/26/84, 9 00  
 am, Rm A  
 04/26/84 SENATE Comm Report CS placed on Calendar by Appropriations  
 -SJ 00190  
 05/01/84 SENATE CS read first time -SJ 00191  
 05/24/84 SENATE Placed on Special Order Calendar CS passed, YEAS 38  
 NAYS 0 -SJ 00425, Immediately certified -SJ 00427  
 05/24/84 HOUSE In Messages  
 05/30/84 HOUSE Received, placed on Calendar -HJ 00849  
 06/01/84 HOUSE Died on Calendar Iden /Sim /Compare Bill passed refer  
 to CS/SB 986 (Ch 84-338)

S 0030 GENERAL BILL by Kirkpatrick and others (Compare CS/H 0098)  
University of Florida/UFAS, directs Food & Agricultural Sciences  
 Institute at University of Florida to purchase retirement annuities for  
 certain employees, provides restrictions; provides for annual  
 appropriation, Creates 240 508 Appropriation Effective Date 07/01/84  
 10/25/83 SENATE Prefiled  
 11/04/83 SENATE Referred to Personnel, Retirement and Collective  
 Bargaining, Appropriations  
 11/14/83 SENATE On Committee agenda-- Personnel, R & C B, 12/06/83,  
 2:00 pm, Rm C  
 12/06/83 SENATE Comm Report Favorable by Personnel, Retirement and  
 Collective Bargaining; Now in Appropriations  
 04/03/84 SENATE Introduced, referred to Personnel Retirement and  
 Collective Bargaining, Appropriations -SJ 00008, Comm  
 Report Favorable by Personnel, Retirement and  
 Collective Bargaining, Now in Appropriations -SJ 00052  
 04/27/84 SENATE Extension of time granted Committee Appropriations  
 05/10/84 SENATE Extension of time granted Committee Appropriations  
 05/23/84 SENATE Extension of time granted Committee Appropriations  
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12/19/83 212 HOB, 1 30 pm 01/10/84  
01/19/84 HOUSE On Committee agenda- Judiciary, 317 C 10 00 am,  
02/08/84  
02/09/84 HOUSE Comm Report Favorable, placed on Calendar by  
Judiciary  
04/03/84 HOUSE Introduced, referred to Judiciary -HJ 00012,  
Subreferred to Subcommittee on Consumer, Probate and  
Family Law, Comm. Report: Favorable, placed on Calendar  
by Judiciary -HJ 00112  
04/09/84 HOUSE Placed on Special Order Calendar  
04/10/84 HOUSE Read second time -HJ 00163  
04/12/84 HOUSE Read third time, Passed, YEAS 107 NAYS 5 HJ 00175  
04/13/84 SENATE In Messages  
04/18/84 SENATE Received, referred to Judiciary-Civil -SJ 00136,  
Withdrawn from Judiciary-Civil, Substituted for SB 458,  
Passed, YEAS 38 NAYS 0 -SJ 00146  
04/25/84 Ordered enrolled  
04/27/84 HOUSE Signed by Officers and presented to Governor -HJ 00277  
05/03/84 Approved by Governor Chapter No 84-10 -HJ 00301

H 0024 10/10/83 HOUSE Withdrawn -HJ 00012

H 0025 10/10/83 HOUSE Withdrawn -HJ 00012

H 0026 GENERAL BILL by Grant  
Expressway Authority, abolishes Tampa-Hillsborough County Expressway  
Authority, deletes a cross reference Repeals 348.50- 70, amends 212 08  
Effective Date 10/01/84  
09/21/83 HOUSE Prefiled  
10/13/83 HOUSE Referred to Transportation, Finance & Taxation  
04/03/84 HOUSE Introduced, referred to Transportation, Finance &  
Taxation -HJ 00013  
04/09/84 HOUSE On Committee agenda-- For subreferral, 21 HOB, 3 30 pm,  
04/11/84  
04/11/84 HOUSE Subreferred to Subcommittee on Roads and  
Highways/Capacity  
06/01/84 HOUSE Died in Committee on Transportation

**H 0027** GENERAL BILL by Simon (Similar S 0028)  
Civil Actions, expands the in personam jurisdiction of Florida courts,  
provides for service of process on corporations & nonresidents Amends  
48 081, 181, 193 Effective Date Upon becoming law  
09/21/83 HOUSE Prefiled  
10/13/83 HOUSE Referred to Judiciary, Appropriations  
12/19/83 HOUSE Subreferred to Subcommittee on Court Systems and  
Miscellaneous, On Committee agenda-- Subcomm  
Judiciary, 16 HOB, 1 00 pm, 01/10/84, On Committee  
agenda, pending subcommittee action-- Judiciary, 317 C,  
3,00 pm, 01/10/84  
01/12/84 HOUSE Comm Report Favorable by Judiciary, Now in  
Appropriations  
02/17/84 HOUSE On Committee agenda-- Appropriations, 21 HOB, 8 00 am,  
03/08/84  
03/22/84 HOUSE Comm Report Favorable, placed on Calendar by  
Appropriations  
04/03/84 HOUSE Introduced, referred to Judiciary, Appropriations  
-HJ 00013, Subreferred to Subcommittee on Court Systems  
and Miscellaneous, Comm Report Favorable by Judiciary  
-HJ 00113, Now in Appropriations, Comm Report  
Favorable, placed on Calendar by Appropriations  
-HJ 00112  
04/12/84 HOUSE Placed on Special Order Calendar, Read second time  
-HJ 00178  
04/13/84 HOUSE Iden /Sim Senate Bill substituted, Laid on table under  
Rule, Iden /Sim /Compare Bill passed, refer to SB 28  
(Ch 84-2) -HJ 00190

H 0028 GENERAL BILL by Hazour; and others (Identical S 0004, Compare  
Eng/S 0153)  
CONTINUED ON NEXT PAGE

Retirement Systems, requires forfeiture of certain benefits under any public retirement system by any officer or employee convicted of a felony involving use of such office or employment or other specified offense; provides for notice of such conviction, etc Creates 112 3176  
 Effective Date 07/01/84  
 09/23/83 HOUSE Prefiled  
 10/13/83 HOUSE Referred to Retirement, Personnel & Collective Bargaining, Appropriations  
 12/19/83 HOUSE On Committee agenda-- Subcomm , Retirement, 317 HOB, 9 00 am, 01/11/84  
 01/20/84 HOUSE On Committee agenda-- Retirement, 317 C, 2 30 pm, 02/08/84  
 02/15/84 HOUSE Comm Report Favorable by Retirement, Personnel & Collective Bargaining, Now in Appropriations  
 04/03/84 HOUSE Introduced, referred to Retirement, Personnel & Collective Bargaining, Appropriations -HJ 00013, Comm Report: Favorable by Retirement, Personnel & Collective Bargaining -HJ 00113; Now in Appropriations  
 04/06/84 HOUSE Withdrawn from Appropriations -HJ 00135, Placed on Calendar  
 05/02/84 HOUSE Placed on Special Order Calendar  
 05/09/84 HOUSE Read second time -HJ 00349  
 05/10/84 HOUSE Read third time, Passed, YEAS 113 NAYS 0 -HJ 00358  
 05/14/84 SENATE In Messages  
 05/15/84 SENATE Received, referred to Personnel, Retirement and Collective Bargaining, Appropriations -SJ 00263  
 05/25/84 SENATE Extension of time granted Committee Personnel, Retirement and Collective Bargaining  
 06/01/84 SENATE Died in Committee, Iden /Sim /Compare Bill passed, refer to SB 153 (Ch. 84-266)

H 0029 GENERAL BILL/CS by Health & Rehabilitative Services, Figg (Similar CS/S 0143, Compare CS/S 0058)  
Anatomical Transfers, expands list of persons who may make an anatomical gift to include any court of competent jurisdiction pursuant to certain provisions, prohibits sale/purchase/transfer of human organs or tissue for valuable consideration, etc Amends 732.912, 910, creates 381 603  
 Effective Date 10/01/84,  
 09/26/83 HOUSE Prefiled  
 10/13/83 HOUSE Referred to Health & Rehabilitative Services  
 01/20/84 HOUSE Subreferred to Subcommittee on Health, Economic and Social Services  
 03/12/84 HOUSE Comm Report: CS placed on Calendar by Health & Rehabilitative Services  
 04/03/84 HOUSE Introduced, referred to Health & Rehabilitative Services -HJ 00013, Subreferred to Subcommittee on Health, Economic and Social Services, Comm Report CS placed on Calendar by Health & Rehabilitative Services -HJ 00112  
 04/26/84 HOUSE Placed on Special Order Calendar  
 05/07/84 HOUSE CS read first and second times, Amendments adopted Amendments pending -HJ 00319  
 05/14/84 HOUSE Pending substitute amendment withdrawn, Pending amendment adopted, Amendments adopted -HJ 00402  
 05/16/84 HOUSE Read third time; CS passed as amended, YEAS 86 NAYS 26 -HJ 00421, Immediately certified  
 05/16/84 SENATE In Messages  
 05/21/84 SENATE Received, referred to Judiciary-Civil, Health and Rehabilitative Services, Judiciary-Criminal -SJ 00334  
 05/25/84 SENATE Extension of time granted Committee Judiciary-Civil  
 06/01/84 SENATE Died in Committee, Iden /Sim /Compare Bill passed, refer to CS/SB 143 (Ch 84-264)

H 0030 GENERAL BILL by Crotty, Drage (Similar S 0200)  
Public Officers, creates provision re suspension, removal, or retirement of public officers, provides for suspension or removal from office of municipal board members, provides for discretionary reinstatement, provides for filling of vacancy, etc Creates 112 501, amends 112 51  
 Effective Date 06/19/84  
 CONTINUED ON NEXT PAGE

5. Any firearm or weapon of any kind or any explosive substance.

(b) It is unlawful to transmit or attempt to transmit to, or cause or attempt to cause to be transmitted to or received by, any inmate of any state correctional institution any article or thing declared by this subsection to be contraband, at any place which is outside the grounds of such institution, except through regular channels as authorized by the officer in charge of such correctional institution.

(c) It is unlawful for any inmate of any state correctional institution or any person while upon the grounds of any state correctional institution to be in actual or constructive possession of any article or thing declared by this section to be contraband, except as authorized by the officer in charge of such correctional institution.

(2) Whoever violates any provision of this section as it pertains to an article of contraband described in subparagraph (1)(a)1 or subparagraph (1)(a)2, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In all other cases, a violation of a provision of this section constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1984.

Approved by the Governor April 19, 1984.

Filed in Office Secretary of State April 19, 1984

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#### CHAPTER 84-2

#### Senate Bill No. 28

An act relating to civil actions; amending ss. 48.081, 48.181, 48.193, F.S.; expanding the in personam jurisdiction of the courts of Florida; providing for service of process on corporations and nonresidents; providing an effective date.

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

Section 1. Subsection (5) of section 48.081, Florida Statutes, is amended to read:

48.081 Service on corporations.--

(5) When a corporation engages in substantial and not isolated activities within this state, or has a business office within the state and is actually engaged in the transaction of business therefrom, service upon any officer or business agent, while on corporate business within this state resident--in-the-state, may personally be made, pursuant to this section, and it is not necessary in such case that the action, suit, or proceeding against the corporation shall have arisen out of any transaction or operation connected with or incidental to the business being transacted within the state.



Section 2. Subsection (3) of section 48.181, Florida Statutes, is amended to read:

48.181 Service on nonresident engaging in business in state -

(3) Any person, firm, or corporation which sells, consigns, or leases by any means whatsoever tangible or intangible personal property, through brokers, jobbers, wholesalers, or distributors to any person, firm, or corporation in this state shall be conclusively presumed to be both engaged in substantial and not isolated activities within this state, and operating, conducting, engaging in or carrying on a business or business venture in this state.

Section 3. Section 48.193, Florida Statutes, is amended to read:

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

(1) 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 that person~~ and, if he is a natural person, his 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:

(a) Operates, conducts, engages in, or carries on a business or business venture in this state or has an office or agency in this state.

(b) Commits a tortious act within this state.

(c) Owns, uses, or possesses any real property within this state.

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

(e) With respect to proceedings 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, maintains 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 an action for dissolution of marriage.

(f) Causes injury to persons or property within this state arising out of an act or omission outside of this state by the defendant, provided that at or about the time of the injury either:

1. The defendant was engaged in solicitation or service activities within this state which ~~resulted in such injury;~~ or

2. Products, materials, or things processed, serviced, or manufactured by the defendant anywhere were used or consumed within this state in the ordinary course of commerce, trade, or use; ~~and the use or consumption resulted in the injury.~~

(g) Breaches a contract in this state by failing to perform acts required by the contract to be performed in this state.

(2) A defendant engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate, or otherwise, shall be subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity.

~~(3)~~ (4) Service of process upon any person who is subject to the jurisdiction of the courts of this state as provided in this section may be made by personally serving the process upon the defendant outside this state, as provided in s. 48.194. The service shall have the same effect as if it had been personally served within this state.

~~(3) -- Only -- causes -- of -- action -- arising -- from -- acts -- or -- omissions enumerated in this section may be asserted against a defendant in an action in which jurisdiction over him is based upon this section; unless the defendant in his pleadings demands affirmative relief on other causes of action; in which event the plaintiff may assert any cause of action against the defendant, regardless of its basis, by amended pleadings pursuant to the rules of civil procedure;~~

(4) If a defendant in his pleadings demands affirmative relief on causes of action unrelated to the transaction forming the basis of the plaintiff's claim, the defendant shall thereafter in that action be subject to the jurisdiction of the court for any cause of action the plaintiff may by amendment assert against the defendant, regardless of its basis.

~~(5)~~ (4) Nothing contained in this section shall limit or affect the right to serve any process in any other manner now or hereinafter provided by law.

Section 4. This act shall take effect upon becoming a law and shall apply only to actions brought on or after the effective date

Approved by the Governor April 25, 1984.

Filed in Office Secretary of State April 26, 1984.

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CHAPTER 84-3

Senate Bill No. 129

An act relating to the state insurance program; amending s. 110.123, F.S.; providing that determinations of benefits made by the Department of Administration whether for a contracted group plan or a self-insurance plan are not rules within the meaning of s. 120.52(15), F.S., or orders within the meaning of s. 120.52(10), F.S.; providing an effective date.

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

Section 1. Paragraph (a) of subsection (5) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.--

(5) DEPARTMENT OF ADMINISTRATION; POWERS AND DUTIES.--The Secretary of Administration shall be responsible for the administration of the state group insurance program. The Department of Administration shall initiate and supervise the program as established by this section. To implement this program, the department shall, subject to legislative approval:

(a) Determine the benefits to be provided and the contributions to be required for the state group insurance program. Such determinations, whether for a contracted plan or a self-insurance plan pursuant to paragraph (c), shall not constitute rules within the meaning of s. 120.52(15) or orders within the meaning of s. 120.52(10). Any physician's fee schedule used in the health and accident plan shall not be available for inspection or copying by medical providers or other persons not involved in the administration of the program. However, in the determination of the design of the program, the department shall consider existing and complementary benefits provided by the Florida Retirement System and the Social Security System.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor April 25, 1984.

Filed in Office Secretary of State April 26, 1984.

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CHAPTER 84-4

Committee Substitute for Senate Bill No. 151

An act relating to occupational therapy; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 468.201, 468.203, 468.205, 468.207, 468.209, 468.211, 468.213, 468.215, 468.217, 468.219, 468.221, 468.223, 468.225, F.S.; amending s. 468.203, F.S.; defining "supervision"; creating s. 468.204, F.S.; granting rulemaking authority to the Board of Medical Examiners; amending s. 468.205, F.S.; providing for the appointment and compensation of council members; amending s. 468.209, F.S.; revising the requirements for licensure of occupational therapists and occupational therapy assistants; revising the maximum duration of temporary permits; amending s. 468.211, F.S.; revising the examination requirement; amending s. 468.213, F.S.; deleting certain waiver provisions and providing for licensure by endorsement; amending s. 468.217, F.S.; providing a detailed list of acts that constitute unprofessional conduct subject to penalties; expanding the board's disciplinary powers; amending s. 468.219, F.S.; providing for biennial license renewal; amending s. 468.221, F.S.; providing separate fees for license application and for examination; amending s. 468.223, F.S.; changing "registration" to "license"; providing a savings clause; providing for future repeal and legislative review; providing an effective date.

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



By Senator Fox

40-75-84

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A bill to be entitled

An act relating to civil actions; amending ss. 48.081, 48.181, 48.193, F.S., expanding the in personam jurisdiction of the courts of Florida, providing for service of process on corporations and nonresidents, providing an effective date.

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

Section 1. Subsection (5) of section 48 081, Florida Statutes, is amended to read:

48.081 Service on corporations --

(5) When a corporation engages in substantial and not isolated activities within this state, or has a business office within the state and is actually engaged in the transaction of business therefrom, service upon any officer or business agent, while on corporate business within this state resident in the state, may personally be made, pursuant to this section, and it is not necessary in such case that the action, suit, or proceeding against the corporation shall have arisen out of any transaction or operation connected with or incidental to the business being transacted within the state

Section 2. Subsection (3) of section 48.181, Florida Statutes, is amended to read:

48 181 Service on nonresident engaging in business in state.--

(3) Any person, firm, or corporation which sells, consigns, or leases by any means whatsoever tangible or intangible personal property, through brokers, jobbers, wholesalers, or distributors to any person, firm, or

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1 corporation in this state shall be conclusively presumed to be  
2 both engaged in substantial and not isolated activities within  
3 this state, and operating, conducting, engaging in or carrying  
4 on a business or business venture in this state

5 Section 3 Section 48 193, Florida Statutes, is  
6 amended to read

7 48.193 Acts subjecting persons to jurisdiction of  
8 courts of state --

9 (1) Any person, whether or not a citizen or resident  
10 of this state, who personally or through an agent does any of  
11 the acts enumerated in this subsection thereby submits himself  
12 ~~that person~~ and, if he is a natural person, his personal  
13 representative to the jurisdiction of the courts of this state  
14 for any cause of action arising from the doing of any of the  
15 following

16 (a) Operates, conducts, engages in, or carries on a  
17 business or business venture in this state or has an office or  
18 agency in this state

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

20 (c) Owns, uses, or possesses any real property within  
21 this state

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

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

1 requirement for filing an action for dissolution of marriage  
2 (f) Causes injury to persons or property within this  
3 state arising out of an act or omission outside of this state  
4 by the defendant, provided that at or about the time of the  
5 injury either:

6 1. The defendant was engaged in solicitation or  
7 service activities within this state ~~which resulted in such~~  
8 ~~injury~~; or

9 2 Products, materials, or things processed, serviced,  
10 or manufactured by the defendant anywhere were used or  
11 consumed within this state in the ordinary course of commerce,  
12 trade, or use, ~~and the use or consumption resulted in the~~  
13 ~~injury~~

14 (g) Breaches a contract in this state by failing to  
15 perform acts required by the contract to be performed in this  
16 state.

17 (2) A defendant engaged in substantial and not  
18 isolated activity within this state, whether such activity is  
19 wholly interstate, intrastate, or otherwise, shall be subject  
20 to the jurisdiction of the courts of this state, whether or  
21 not the claim arises from that activity.

22 ~~(3) (2)~~ Service of process upon any person who is  
23 subject to the jurisdiction of the courts of this state as  
24 provided in this section may be made by personally serving the  
25 process upon the defendant outside this state, as provided in  
26 s 48.194. The service shall have the same effect as if it  
27 had been personally served within this state

28 ~~(3)~~ Only causes of action arising from acts or  
29 omissions enumerated in this section may be asserted against a  
30 defendant in an action in which jurisdiction over him is based  
31 upon this section, unless the defendant in his pleadings

1 demands affirmative relief on other causes of action, in which  
2 event the plaintiff may assert any cause of action against the  
3 defendant, regardless of its basis, by amended pleadings  
4 pursuant to the rules of civil procedure-

5 (4) If a defendant in his pleadings demands  
6 affirmative relief on causes of action unrelated to the  
7 transaction forming the basis of the plaintiff's claim, the  
8 defendant shall thereafter in that action be subject to the  
9 jurisdiction of the court for any cause of action the  
10 plaintiff may by amendment assert against the defendant,  
11 regardless of its basis.

12 ~~(5)~~(4) Nothing contained in this section shall limit  
13 or affect the right to serve any process in any other manner  
14 now or hereinafter provided by law.

15 Section 4. This act shall take effect upon becoming a  
16 law and shall apply only to actions brought on or after the  
17 effective date.



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SENATE SUMMARY

Expands the in personam jurisdiction of the courts of Florida.

8/14/11

REVISED: \_\_\_\_\_

BILL NO. SB 2

DATE December 6, 1983

Page 1

SENATE STAFF ANALYSIS AND RECOMMENDATION STATEMENT

	ANALYST	STAFF DIRECTOR	REVIEWER	DATE
1	SHAWHANETS	Alford		
2				
3				

SUBJECT: \_\_\_\_\_ AND \_\_\_\_\_

Civil Actions \_\_\_\_\_

I. SUMMARY

A. Present Situation

Florida's long arm statute, § 48.19(1), 48.19(2), 48.19(3), F.S., exert jurisdiction over any person who operates or conducts a business in this state. The statute is broad and is listed in the long arm statute. The Florida courts are generally required to assert jurisdiction over a defendant if the process of corporate activity is conducted in this state. This is true because Florida courts are held to have an extensive jurisdiction and are able to enforce the federal constitution.

In International Shoe Company v. State of Washington, 326 U.S. 310 (1945) and its progeny, the United States Supreme Court has held "due process only requires a corporate or other defendant to have such minimum contact with the forum that the maintenance of the suit does not offend traditional notions of fair play and substantial justice." In dictum, the court stated that "it has been generally recognized that the presence of the corporate agent in a state in the conduct of or isolated items of activities in a state in the conduct of behalf are not enough to subject it to suit on cause of action unconnected with the activities." There has been a trend in the state to continue to operate activities in the state which justify suit against it on cause of action unconnected with dealings entirely distinct from those activities.

In 1973 the Florida legislature amended § 48.19(1) of Florida's long arm statute, § 48.19(1), F.S., which provides that any person doing business in this state who is a citizen of Florida who does any of the following: (a) § 48.19(1)(a) surrenders himself to the jurisdiction of Florida courts for any cause of action arising from any business activity; (b) § 48.19(1)(b) personally serving process upon the defendant outside the state, as provided in § 48.19(2).

Section 48.19(3), F.S., is similar to § 48.19(1)(a) and provides that any person who does business in this state or other state or country, who operates, conducts, or carries on a business in Florida through a broker, agent, or to the jurisdiction of Florida courts for any cause of action arising from such activity. Section 48.19(3) states that any person who does business through a broker, agent, or to the jurisdiction of Florida courts for any cause of action arising from such activity shall be deemed to be operating, conducting, carrying on, or doing business in this state. As that important difference between § 48.19(1) and § 48.19(3) is that § 48.19(3) does not require the person to personally serve process upon the defendant outside the state.

48.193(2) provides that an officer or director may be made to personally indemnify the defendant out of Florida, as provided in 48.194. Section 48.191 provides for the appointment of a Secretary of State to receive process or if the foreign corporation is a defendant in an action in this state, shall be served on the agent or officer.

Section 48.01 provides that a corporation organized under the laws of another state or country which is a business corporation within the meaning of all laws of this state shall be treated as a business corporation, whether organized under the laws of another state or country, if the corporation is organized under the laws of another state or country and is doing business in this state. Section 48.01(1) is more expansive than 48.193(1)(a), it provides that it is not necessary that the defendant under the corporation be a resident of any jurisdiction or corporation organized with or incident to the business of the corporation with Florida.

**3 Effect of Previous Chapter**

Senate Bill 26 amends 48.01 and 48.191. The amendments provide that an officer or director of a corporation organized under the laws of another state or country shall be treated as a business corporation, whether organized under the laws of another state or country, if the corporation is organized under the laws of another state or country and is doing business in this state. The amendments delete from 48.01 the definition of a business corporation under the current law, and provide that the definition of a business corporation shall be that of the corporation organized with or incident to the business of the corporation with Florida.

The bill amends 48.191 to provide that an officer, director, or consultant of a corporation organized under the laws of another state or country shall be treated as a business corporation, whether organized under the laws of another state or country, if the corporation is organized under the laws of another state or country and is doing business in this state. The amendments presume that an officer, director, or consultant of a corporation organized under the laws of another state or country is engaged in the activities of the corporation in this state, whether or not the officer, director, or consultant is engaged in the activities of the corporation in this state.

The bill amends 48.193 to provide that an officer or director of a corporation organized under the laws of another state or country shall be treated as a business corporation, whether organized under the laws of another state or country, if the corporation is organized under the laws of another state or country and is doing business in this state. The amendments provide that the claim arising out of the activities of the corporation in this state shall be presumed to be a claim arising out of the activities of the corporation in this state.

**II ECONOMIC IMPACT**

**A. Public**

The change in the law will result in a reduction in the number of lawsuits filed in Florida. This will result in a reduction in the cost of litigation for non-residents.

**B. Government**

It is possible that the change in the law will result in an increase in the number of lawsuits filed in Florida.

REVISED \_\_\_\_\_  
DATE: December 6, 1953

BILL NO. SA 1  
PAGE 2

III. COMMENTS

In the 1950 \_\_\_\_\_  
passed out of the Judiciary \_\_\_\_\_  
Special Order of the day \_\_\_\_\_  
amendment \_\_\_\_\_ Bill \_\_\_\_\_  
the Senate \_\_\_\_\_

IV. AMENDMENTS

None.

191-40

FLORIDA HOUSE OF REPRESENTATIVES - 1984

By Representative Simon

A bill to be entitled

An act relating to civil actions; amending s. 48.081(5), Florida Statutes, as amended, and amending ss. 48.181 and 48.193, Florida Statutes; expanding the in personam jurisdiction of the courts of Florida; providing for service of process on corporation and nonresidents; providing an effective date.

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

Section 1. Subsection (5) of section 48.081, Florida Statutes, as amended by chapter 83-216, Laws of Florida, is amended to read:

48.081 Service on corporations. --

(5) Where a corporation engages in substantial and not isolated activities within this state, or has a business office within the state and is actually engaged in the transaction of business therefrom, service upon any officer or business agent, while on corporate business within this state ~~resident-in-the-state~~, may personally be made, pursuant to this section, ~~and-it-is-not-necessary-in-such-case, that-the-action,-suit,-or-proceeding-against-the-corporation shall-have-arisen-out-of-any-transaction-or-operation-connected-with-or-incidental-to-the-business-being-transacted within-the-state.~~

Section 2. Section 48.181, Florida Statutes, is amended to read:

48.181 Services on nonresident engaging in business in state.--

(1) The acceptance by any person or persons, individually, or associated together as a copartnership or any other form or type of association, who are residents of any other state or country, and all foreign corporations, and any person who is a resident of the state and who subsequently becomes a nonresident of the state or conceals his whereabouts, of the privilege extended by law to nonresidents and others to operate, conduct, engage in, or carry on a business or business venture in the state, or to have an office or agency in the state, constitutes an appointment by the persons and foreign corporations of the secretary of state of the state as their agent on whom all process in any action or proceeding against them, or any of them, ~~arising--~~  
~~out-of-any-transaction-or-operation-connected-with-or-incidental-to-the-business-or-business-venture~~ may be served. The acceptance of the privilege is signification of the agreement of the persons and foreign corporations that the process against them which is so served is of the same validity as if served personally on the persons or foreign corporation.

(2) If a foreign corporation has a resident agent or officer in the state, process shall be served on the resident agent or officer.

~~(3) -- Any person, firm or corporation which sells, consigns, or leases by any means whatsoever tangible or intangible personal property, through brokers, jobbers, whole sales, or distributors to any person, firm, or corporation in this state shall be conclusively presumed to be operating, conducting, engaging in or carrying on a business venture in this state.~~

Section 3. Section 48.193, Florida Statutes, is amended to read:

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

(1) 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 that person and, if he is a natural person, his 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:

~~(a) -- Operates, conducts, engages in, or carries on a business or business venture in this state or has an office or agency in this state.~~

(a) ~~(b)~~ Commits a tortious act within this state.

(b) ~~(e)~~ Owns, uses, or possesses any real property within this state.

(c) ~~(d)~~ Contracts to insure any person, property, or risk located within this state at the time of contracting:

(d) ~~(e)~~ With respect to proceedings for alimony, child support, or division of property in connectin with an action to dissolve a marriage or with respect to an independent action for support of dependents, maintains 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 an action for dissolution of marriage.

(e) ~~(f)~~ Causes injury to persons or property with this state arising out of an act or omission outside of this state by the defendant, provided that at or about the time of the injury either:

1. The defendant was engaged in solicitation or service activities within this state which resulted in such injury; or

2. Products, materials, or things processed, serviced, or manufactured by the defendant anywhere were used or consumed within this state in the ordinary course of commerce, trade, or use, ~~and-the-use-of-consumption-resulted in-the-injury.~~



(f) ~~(g)~~ Breaches a contract in this state by failing to perform acts required by the contract to be performed in this state.

(2) Operating, conducting, engaging in or carrying on a business or business venture in this state, or having a business office or agency in this state at which the defendant is actually engaged in the transaction of business, shall constitute engaging in substantial and not isolated activities in this state.

(3) Any person, firm or corporation which sells, consigns, or leases by any means whatsoever tangible or intangible personal property, through brokers, jobbers, wholesalers, or distributors to any person, firm, or corporation in this state on a continuous and systematic basis shall be conclusively presumed to be operating, conducting, engaging in or carrying on a business or business venture in this state.

(4) A defendant engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate or otherwise, shall be subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity.

~~(2)--Service-of-process-upon-any-person-who-is subject-to-the-jurisdiction-of-the-courts-of-this-state-as provided-in-this-section-may-be-made-by-personally-serving the-process-upon-the-defendant-outside-this-state,-as-pre-~~

~~vided in s. 48.194.-- The service shall have the same effect as if it had been personally served with this state.~~

~~(3)-- Only causes of action arising from acts or omissions enumerated in this section may be asserted against a defendant in an action in which jurisdiction over him is based upon this section, unless the defendant in his pleadings demands affirmative relief on other causes of action, in which event the plaintiff may assert any cause of action against the defendant, regardless of its basis, by amended pleadings pursuant to the rules of civil procedure.--~~

(5) (2) Service of process upon any person who is subject to the jurisdiction of the courts of this state as provided in this section may be made by any method provided for in this chapter, by certified or registered mail sent by the plaintiff or his attorney together with a copy of the process, in which case the defendant's return receipt shall be filed on or before the return day of the process, or within such time as the court allows, or by personally serving the process upon the defendant outside this state, as provided in s. 48.194. In such case, the service shall have the same effect as if it had been personally served within this state.

(6) If a defendant in his pleadings demands affirmative relief on causes of action unrelated to the transaction forming the basis of the plaintiff's claim, the defendant shall thereafter in that action be subject to the

jurisdiction of the court for any cause of action the plaintiff may by amendment assert against the defendant, regardless of its basis.

(7) ~~(4)~~ Nothing contained in this section shall limit or affect the right to serve any process in any other manner now or hereinafter provided by law.

Section 4. This act shall take effect upon becoming a law.

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#### HOUSE SUMMARY

Expands the in personam jurisdiction of the courts of Florida.

By Representative Simon

This public document was promulgated at an average cost of 1.6 cents per single page for the information of members of the Legislature and the public.

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A bill to be entitled  
 An act relating to civil actions; amending s.  
 48.081(5), Florida Statutes, as amended, and  
 amending ss. 48.181(3) and 48.193, Florida  
 Statutes; expanding the in personam  
 jurisdiction of the courts of Florida;  
 providing for service of process on  
 corporations and nonresidents; providing an  
 effective date.

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

Section 1. Subsection (5) of section 48.081, Florida  
 Statutes, as amended by chapter 83-216, Laws of Florida, is  
 amended to read:

48.081 Service on corporations.--

(5) When a corporation engages in substantial and not  
isolated activities within this state, or has a business  
 office within the state and is actually engaged in the  
 transaction of business therefrom, service upon any officer or  
 business agent, while on corporate business within this state  
~~resident-in-the-state~~, may personally be made, pursuant to  
 this section, and it is not necessary in such case, that the  
 action, suit, or proceeding against the corporation shall have  
 arisen out of any transaction or operation connected with or  
 incidental to the business being transacted within the state.

Section 2. Subsection (3) of section 48.181, Florida  
 Statutes, is amended to read:

48.181 Service on nonresident engaging in business in  
 state.--

1	(3) Any person, firm or corporation which sells,	1.22
2	consigns, or leases by any means whatsoever tangible or	
3	intangible personal property, through brokers, jobbers,	1.23
4	wholesalers, or distributors to any person, firm, or	1.24
5	corporation in this state shall be conclusively presumed to be	
6	<u>both engaged in substantial and not isolated activities within</u>	1.25
7	<u>this state, and</u> operating, conducting, engaging in or carrying	1.26
8	on a <u>business or business</u> venture in this state.	1.27
9	Section 3. Section 48.193, Florida Statutes, is	1.28
10	amended to read:	
11	48.193 Acts subjecting persons to jurisdiction of	1.29
12	courts of state.--	1.30
13	(1) Any person, whether or not a citizen or resident	1.30
14	of this state, who personally or through an agent does any of	1.31
15	the acts enumerated in this subsection thereby submits that	1.32
16	person and, if he is a natural person, his personal	1.33
17	representative to the jurisdiction of the courts of this state	1.34
18	for any cause of action arising from the doing of any of the	
19	following:	1.35
20	(a) Operates, conducts, engages in, or carries on a	1.35
21	business or business venture in this state or has an office or	1.36
22	agency in this state.	
23	(b) Commits a tortious act within this state.	1.37
24	(c) Owns, uses, or possesses any real property within	1.38
25	this state.	
26	(d) Contracts to insure any person, property, or risk	1.38
27	located within this state at the time of contracting.	1.40
28	(e) With respect to proceedings for alimony, child	1.41
29	support, or division of property in connection with an action	
30	to dissolve a marriage or with respect to an independent	1.42
31	action for support of dependents, maintains a matrimonial	1.43

1 domicile in this state at the time of the commencement of this 1.  
 2 action or, if the defendant resided in this state preceding  
 3 the commencement of the action, whether cohabiting during that 1.  
 4 time or not. This paragraph does not change the residency 1.  
 5 requirement for filing an action for dissolution of marriage. 1.

6 (f) Causes injury to persons or property within this 1.  
 7 state arising out of an act or omission outside of this state  
 8 by the defendant, provided that at or about the time of the 1.  
 9 injury either:

10 1. The defendant was engaged in solicitation or 1.  
 11 service activities within this state which ~~resulted in such~~ 1.  
 12 injury; or

13 2. Products, materials, or things processed, serviced, 1.  
 14 or manufactured by the defendant anywhere were used or 1.  
 15 consumed within this state in the ordinary course of commerce, 1.  
 16 trade, or use ~~and the use or consumption resulted in the~~  
 17 injury. 1.

18 (g) Breaches a contract in this state by failing to 1.  
 19 perform acts required by the contract to be performed in this 1.  
 20 state.

21 (2) A defendant engaged in substantial and not 1  
 22 isolated activity within this state, whether such activity is 1.  
 23 wholly interstate, intrastate or otherwise, shall be subject  
 24 to the jurisdiction of the courts of this state, whether or 1.  
 25 not the claim arises from that activity. 1.

26 (3)† Service of process upon any person who is 1  
 27 subject to the jurisdiction of the courts of this state as 1.  
 28 provided in this section may be made by personally serving the 1.  
 29 process upon the defendant outside this state, as provided in 1.  
 30 s. 48.194. The service shall have the same effect as if it 1.  
 31 had been personally served within this state. 1

1	<del>{3}--Only causes of action arising from acts or</del>	1.69
2	<del>omissions enumerated in this section may be asserted against a</del>	
3	<del>defendant in an action in which jurisdiction over him is based</del>	1.70
4	<del>upon this section, unless the defendant in his pleadings</del>	1.71
5	<del>demands affirmative relief on other causes of action, in which</del>	1.72
6	<del>event the plaintiff may assert any cause of action against the</del>	
7	<del>defendant, regardless of its basis, by amended pleadings</del>	1.73
8	<del>pursuant to the rules of civil procedure.</del>	1.74

9	<u>(4) If a defendant in his pleadings demands</u>	1:lusa
10	<u>affirmative relief on causes of action unrelated to the</u>	1.75
11	<u>transaction forming the basis of the plaintiff's claim, the</u>	1.76
12	<u>defendant shall thereafter in that action be subject to the</u>	
13	<u>jurisdiction of the court for any cause of action the</u>	1.77
14	<u>plaintiff may by amendment assert against the defendant,</u>	
15	<u>regardless of its basis.</u>	1.7'

16	<u>(5)†4†</u> Nothing contained in this section shall limit	1.79
17	or affect the right to serve any process in any other manner	1.80
18	now or hereinafter provided by law.	1.81

19	Section 4. This act shall take effect upon becoming a	1.82
20	law.	

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HOUSE SUMMARY

Expands the in personam jurisdiction of the courts of Florida.

17/240

COMMITTEE ON JUDICIARY  
STAFF SUMMARY

HB: HB 27

OTHER COMM. REFERENCE: \_\_\_\_\_

SPONSOR: Rep. Simon

PREPARED BY: Robin Conner *RC*

SUBJECT: Civil Actions--Long Arm

STAFF DIRECTOR: Richard Hixson *RH*

DATE: December 22, 1983

I. SUMMARY

A. Present Situation

The U. S. Supreme Court held in International Shoe Co. v. Washington, 326 U.S. 310 (1945) that in order to subject a non-resident defendant to the jurisdiction of the courts of a state, certain minimum contacts must be established between the defendant and the state. The minimum contacts must be sufficient so that the maintenance of suit does not offend "traditional notions of fair play and substantial justice." The Court added in dictum that the casual presence of a corporate agent or even his conduct of single or isolated activities in a state in his corporation's behalf are not enough to subject the corporation to suit on causes of action unrelated to the activities there.

Section 48.081(5), F.S., states that where a corporation has a business office within the state and is actually engaged in the transaction of business therefrom, service may be made upon any resident officer or business agent, whether or not the action arose out of any transaction or operation connected with or incidental to the business transacted within the state.

Section 48.181(1) provides the method of service upon non-residents engaging in business within the state. Service shall be made upon the Secretary of State, who for purposes of service is constructively appointed to be the corporation's agent. Section 48.181(3) establishes certain activities which shall be conclusive presumptions of operating, conducting, engaging in, or carrying on a business venture within the state.

Section 48.193(1) provides that any person, whether or not a citizen or resident of the state, who does any of the enumerated acts, out of which a cause of action arises, shall be subject to the jurisdiction of the courts of Florida. Service may be made outside the state by any officer authorized to serve process in the state where the person is served. Subsection (3) states that with certain exceptions, only causes of action which arise from acts or omissions enumerated in s. 48.193(1) may be asserted against a defendant in an action in which jurisdiction over him is based upon that section.

B. Effect of Proposed Changes

This bill amends s. 48.081(5) to provide that where a corporation is engaged in substantial and not isolated business activities within the state, service may be made upon any officer or business agent of the corporation while he is on corporate business in the state. The requirement that the officer or agent must be a resident of the state is eliminated.



Section 48.181(3) is amended to provide that any person, firm, or corporation which sells, consigns, or leases by any means tangible or intangible personal property through brokers, jobbers, wholesalers, or distributors to any person, firm, or corporation in Florida shall be conclusively presumed to be both engaged in substantial and not isolated activities within this state, and operating, conducting, engaging in, or carrying on a business or business venture in this state.

Subsection 48.193(1)(f) is amended to eliminate the requirement that where injury is caused to persons or property within this state by an act or omission outside of the state, the defendant's activities within the state or the use of the defendant's products or materials in this state must have caused the injury.

Subsection 48.193(2) is created to state that a defendant engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate, or otherwise, shall be subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity. Subsection 48.193(3) is eliminated, and subsection 48.193(4) is created to provide that if a defendant in his pleadings demands affirmative relief or causes of action unrelated to the transaction forming the basis of the plaintiff's claim, the defendant shall thereafter be subject to the jurisdiction of the court for any cause of action the plaintiff may assert by amendment against the defendant.

## II. FISCAL IMPACT

Enactment of this bill would likely increase the number of lawsuits against non-residents.

Representative Art Simon  
January 6, 1984  
Page 2

officer or business agent of a nonresident corporation while on corporate business within the state. Presumably, the assumption was made that s. 48.081(5) simply provides a method of service; in fact, s. 48.081(5) has repeatedly been held to also provide a basis for personal jurisdiction.

Next, s. 48.181(3) is amended in order to furnish a definition of what constitutes engaging "in substantial and not isolated activities within this state." Thus, any person, firm, or corporation selling, consigning, or leasing by any means tangible or intangible personal property, through jobbers, brokers, wholesalers, or distributors to any person, firm, or corporation in Florida would be conclusively presumed to be not only engaged in substantial and not isolated activities within Florida but also operating, conducting, engaging in or carrying on a business [or business venture] in Florida.

Finally, s. 48.193 is amended. Significant is the amendment renumbering par. 2 as par. 3 and adding:

"(2) A defendant engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate, or otherwise, shall be subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity."

The intent is clearly to eliminate the nexus or connexity requirement provided for in s. 48.193(1), and required at the present time in all of Florida's long arm statutes, other than s. 48.081(5). Thus, par. 3 regarding connexity is eliminated. As you know, connexity requires that the cause of action relate to the defendant's activities in the state.

Let me share with you my concerns about the Bill, as presently drafted.

Admittedly, many states have sought to expand the reach of their courts' jurisdiction as far as constitution-

19/1-40

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January 6, 1984

Representative Art Simon  
Representative, 116th District  
Florida House of Representatives  
Suite 220  
13500 North Kendall Drive  
Miami, Florida 33186

Re: House Bill 27

Dear Representative Simon:

It has come to my attention that you are sponsoring House Bill 27 amending Chapter 48, Florida Statutes, regarding long arm jurisdiction. I have had an opportunity to review the proposed legislation (companion to Senate Bill 352) and would like to make the following comments.

As you are undoubtedly aware, the present status of Florida's long arm statutes constitutes somewhat of a patchwork quilt, chiefly caused by the collective compilation of statutes over the years, with no attempt to eliminate duplicative legislation. The latest long arm statute was, as you know, enacted in 1973, and is considered to be Florida's "general" long arm statute, § 48.193, Florida Statutes.

House Bill 27 does not undertake to eliminate this morass of duplicative legislation. It does, however, serve a legitimate purpose in attempting to expand Florida's long arm jurisdiction to the extent deemed constitutionally permissible.

Essentially, three major alterations are made.

First, s. 48.081(5) is amended to incorporate the phrase "engages in substantial and not isolated activities within this state, or," and would permit service upon any

Representative Art Simon  
January 6, 1984  
Page 4

On the other hand, if it is held that the non-resident defendant is "doing business" <sup>2/</sup> in the state, the nexus or connexity requirement still exists under s. 48.181 and s. 48.193(1).

What then constitutes "substantial and not isolated activities"? Under the present Bill, "substantial and not isolated activities" cannot [other than in the case of s. 48.181(3)] equate with "engaging in a business or business venture" because of the disparate treatment. What needs to be done is to revise the language in such a way as to eliminate the inconsistency. I have attempted to do this and enclose herewith the changes which I believe accomplish this end.

Additionally, you will note that I have proposed an amendment to s. 48.193 to provide alternative methods of service. Existing s. 48.193(2) has been interpreted in the past to provide the exclusive method for service, that being the method prescribed by s. 48.194. Thus, for example, in Caribe & Panama Investments, S.A. v. Christensen, 375 So. 2d 601 (Fla. 3d DCA 1979), the court concluded that service under s. 48.193 was ineffective because s. 48.194 had not been complied with when the plaintiff caused personal service to be made on the defendant Panamanian Corporation by serving its president at his residence in Dade County.

Such an impractical result could be eliminated if s. 48.193(2) were amended to provide for service by all constitutional means. Specifically, service would be available under all methods presently provided for in chap. 48, together with the method provided for by s. 48.194, in addition to registered and certified mail, return receipt to be filed with the court.

---

<sup>2/</sup> Only s. 48.181(3) equates "engaging in a business or business venture" with "engaging in substantial and not isolated activities".

Representative Art Simon  
January 6, 1984  
Page 3

ally permissible. At the present time, Florida's long arm statutes do not reach to the extent constitutionally permitted. As you know, the United States Supreme Court has on a number of occasions addressed this issue and has often spoken in terms of "foreseeability" and "purposeful activity" as tests to determine the boundaries of constitutionally permissible jurisdictional reach." 1/

What I perceive to be the principal area of difficulty with respect to the Bill, as presently drafted, is the inconsistency which has resulted from the method of amendment. By reason of the fact that s. 48.181 has been amended to furnish a definition of "substantial and not isolated activities," and s. 48.193 has been amended to speak in terms of activities, instead of acts, inconsistent treatment takes place, depending on whether a nonresident defendant is "engaged in substantial and not isolated activities" within the state or, on the other hand, is "doing business" in the state.

In those instances where the nonresident defendant is engaged in substantial and not isolated activities, no nexus or connexity requirement exists. He would therefore be amenable to suit in this state on any cause of action, whether related to the activity in the state or not. Furthermore, service could be made as provided for by s. 48.194. In the case of a corporation, however, service could be made pursuant to s. 48.081(5).

---

1/ I recently was privileged to participate in a seminar on litigation and arbitration of international commercial disputes conducted by The Florida Bar at which I, together with several colleagues, addressed the subject of personal jurisdiction. A copy of the portion of the outline dealing with this subject is enclosed for your review. Specifically, I would address your attention to pp. 1.45-1.65.

Representative Art Simon  
January 6, 1984  
Page 5

After you have had an opportunity to review this letter and the enclosure submitted herewith, I would welcome the opportunity to discuss the matter further with you and answer any question which you may have.

Very truly yours,

SMATHERS & THOMPSON



Hugh J. Turner, Jr.

HJT37-V/wpc  
Enclosure.

cc: Senator Roberta Fox, w/encl.  
Michael S. Olin, Esq., w/encl.

House of Representatives

SUBCOMMITTEE REPORT

File with Parent Committee

To Chairman, Committee on Judiciary

The Subcommittee on Court Systems and Miscellaneous

met at 1:00 o'clock on January 10, 1984

in Room 16 HOF, and considered HR 27

On motion to report the bill  FAVORABLE  
the vote was.  FAVORABLE WITH \_\_\_\_\_ AMENDMENTS  
(number)

YEA	MEMBER	NAY
x	Upchurch	
x	COSGROVE	

YEA	MEMBER	NAY
	DUNBAR	
x	GRANT	
x	HAWKINS, LARRY	
x	LAWSON	
	PAJIC	
x	TITONE, CHAIRMAN	

Total Year 6 / Total Nays 0

*[Signature]*  
Committee Chairman

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill

Name	Representing	Address
Taylor, Rayford	Florida Bar	
Olin, Michael	Self	
Tilton, Eric	AFTL	

(If additional persons, enter on reverse side and check here)

Received by Parent Committee

Date \_\_\_\_\_

Received by \_\_\_\_\_

COMMITTEE INFORMATION RECORD

House of Representatives

Committee on Judiciary

Bill No. HB 27

Date of meeting January 10, 1984

Time 3:00 p.m.

Place Room 317C

FINAL ACTION:  FAVORABLE  
 FAVORABLE WITH AMENDMENTS  
 FAVORABLE WITH SUBSTITUTE  
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
X	COSGROVE, JOHN	
X	DRAGE, TOM	
X	DUDLEY, FRED	
X	DUNBAR, PETER	
X	EASLEY, BETTY	
X	GRANT, JOHN	
	HAWKINS, LARPY	
X	JOHNSON, RO	
X	JOHNSON, BOB	
X	LAWSON, AL	
X	LEHTINEN, DEXTEP	
X	MURPHY TIM,	
	PAJICIC, STEVE	
X	PEEPLES, VERNON	
X	SAMPLE, DOROTHY	

YEA	MEMBER	NAY
X	SILVER, RON	
X	SIMON, ART	
X	TITONE, JOE	
X	WALLACE, PETER	
	THOMAS, JOHN V.CH.	
X	UPCHURCH, HAMILTON Chmn.	

Total Yeas 18 Total Nays 0

*John H. Palmer*  
 Chairman

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name	Representing	Address

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman  
 (If additional persons, enter on reverse side and check here)



STATE OF FLORIDA  
HOUSE OF REPRESENTATIVES

Prepared 2/17/84  
by the Committee on  
Appropriations

1984  
FISCAL NOTE

HB 27  
Bill Number

In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State, and of Local Governments as a whole.

I. DESCRIPTION OF BILL

A. Fund or Tax Affected

General Revenue Fund

B. Principal Agency Affected

State Courts System

C. Narrative Summary

This bill extends the jurisdiction of the State Courts System in civil actions over out-of-state corporations when such corporations engage in substantial business operations within Florida, whether or not the claim arises from that activity. Service of process may be made upon any officer or business agent of the corporation while that person is on corporate business in the state. The requirement that the officer or agent must be a resident of the state is eliminated.

The bill further provides that if the defendant pleads for compensation on actions which are unrelated to the plaintiff's claim, the defendant will thereafter be subject to the jurisdiction of the Courts should the plaintiff assert any further judicial proceedings against the defendant.

Effective Date: Upon becoming law

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Tallahassee, Florida 32301

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

A. Non-Recurring or First Year Start-up Effects

None

B. Recurring or Annualized Continuation Effects

See Appropriations Consequences.

C. Long Run Effects other than Normal Growth

None

D. Appropriations Consequences

Enactment of this bill would increase the number of lawsuits against non-resident corporations. Since these would be civil actions, court costs would be borne by the litigants. Costs to the state would be for judge time and jury expenses. Data is not available to determine the number of cases which would fall under this bill or the costs associated with it. However, these costs are expected to be minimal.

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III. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE

A. Non-Recurring or First Year Start-up Effects

None

B. Recurring or Annualized Continuation Effects

Increased costs of circuit court operations associated with this bill will be incurred by local governments. Although dollar values cannot be determined, they are estimated to be minimal.

C. Long Run Effects other than Normal Growth

None

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IV. COMMENTS:

The State Courts System anticipates that a minimal fiscal impact will result from the enactment of this bill.

  
Staff Director

  
Staff Analyst

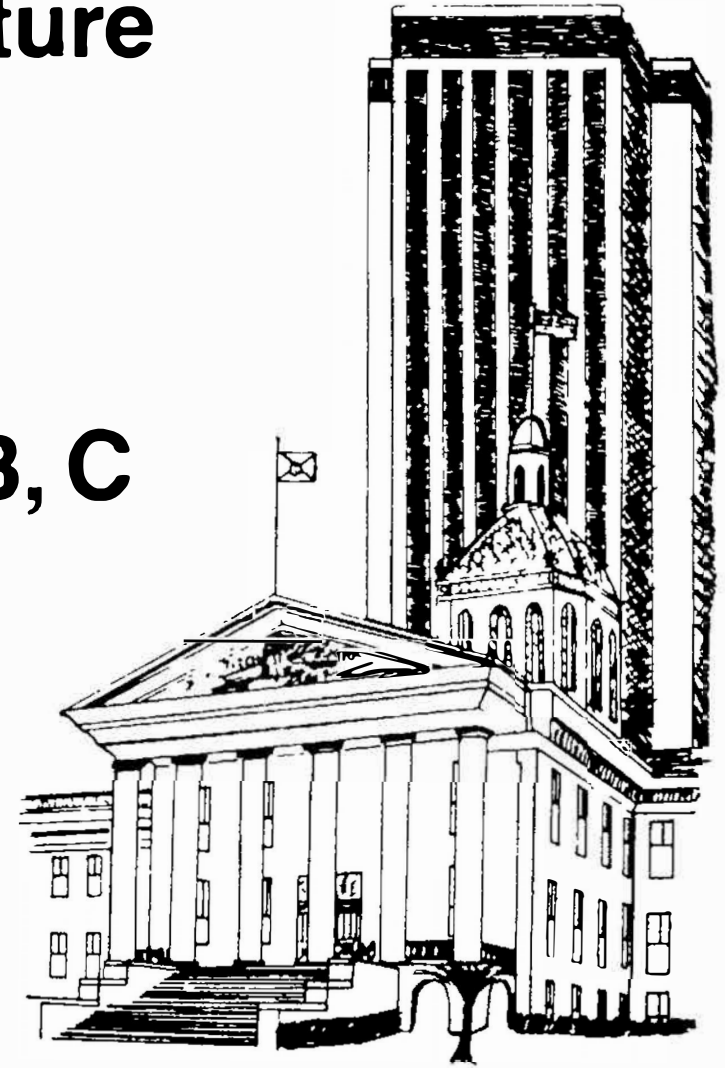
# Florida Legislature

## History of Legislation

1983 Regular Session

1983 Special Sessions A, B, C

1982 Special Session H



prepared by:

**Joint Legislative Management Committee**

**Legislative Information Division**

**Capitol Building, Room 826—488-4371**

04/28/83 HOUSE IN MESSAGES  
 05/02/83 HOUSE RECEIVED, PLACED ON CALENDAR; SUBSTITUTED FOR HD 332,  
 READ SECOND TIME -HJ 00299  
 05/05/83 HOUSE READ THIRD TIME, AMENDMENT ADOPTED; PASSED AS AMENDED;  
 YEAS 113 NAYS 0 -HJ 00319  
 05/06/83 SENATE IN MESSAGES  
 05/11/83 SENATE CONCURRED, PASSED AS AMENDED; YEAS 37 NAYS 0,  
 ORDERED ENGROSSED, THEN ENROLLED -SJ 00247  
 05/17/83 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 00296  
 05/23/83 APPROVED BY GOVERNOR CHAPTER NO. 83-45 -SJ 00337

S 0351 GENERAL BILL BY FOX (IDENTICAL H 0162)  
COLLECTIVE BARGAINING; PROVIDES FOR RESOLUTION OF CONFLICTS BETWEEN  
 COLLECTIVE BARGAINING AGREEMENTS & CERTAIN EXISTING RULES & REGULATIONS,  
 PROVIDES A LIMITATION. AMENDS 447.309. EFFECTIVE DATE. 10/01/83.  
 03/15/83 SENATE PREFILED  
 03/29/83 SENATE REFERRED TO PERSONNEL, RETIREMENT AND COLLECTIVE  
 BARGAINING, APPROPRIATIONS  
 04/05/83 SENATE INTRODUCED, REFERRED TO PERSONNEL, RETIREMENT AND  
 COLLECTIVE BARGAINING, APPROPRIATIONS -SJ 00034  
 04/13/83 SENATE ON COMMITTEE AGENDA-- PERSONNEL, R & C B, TEMPORARILY  
 POSTPONED  
 04/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL,  
 RETIREMENT AND COLLECTIVE BARGAINING  
 05/02/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL,  
 RETIREMENT AND COLLECTIVE BARGAINING  
 05/06/83 SENATE ON COMMITTEE AGENDA-- PERSONNEL, R & C B, 05/10/83,  
 9:00 AM, RM. C  
 05/10/83 SENATE COMM. REPORT: UNFAVORABLE, LAID ON TABLE UNDER RULE BY  
 PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING  
 -SJ 00246

S 0352 GENERAL BILL BY FOX  
CIVIL ACTIONS, EXPANDS THE IN PERSONAM JURISDICTION OF COURTS OF  
 FLORIDA, PROVIDES FOR SERVICE OF PROCESS ON CORPORATIONS & NONRESIDENTS.  
 AMENDS 48.081, 181.193. EFFECTIVE DATE. UPON BECOMING LAW.  
 03/15/83 SENATE PREFILED  
 03/29/83 SENATE REFERRED TO JUDICIARY-CIVIL  
 04/05/83 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL -SJ 00035  
 04/18/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL  
 04/20/83 SENATE ON COMMITTEE AGENDA-- JUDICIARY-CIVIL, ON  
 RECONSIDERATION  
 04/25/83 SENATE ON COMMITTEE AGENDA-- JUDICIARY-CIVIL, 04/27/83, 2:00  
 PM, RM. 8  
 04/27/83 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY  
 JUDICIARY-CIVIL -SJ 00182  
 05/11/83 SENATE PLACED ON SPECIAL ORDER CALENDAR  
 05/13/83 SENATE PLACED ON SPECIAL ORDER CALENDAR  
 05/17/83 SENATE PLACED ON SPECIAL ORDER CALENDAR  
 05/25/83 SENATE PLACED ON SPECIAL ORDER CALENDAR, PASSED AS AMENDED,  
 YEAS 36 NAYS 0 -SJ 00390  
 05/26/83 HOUSE IN MESSAGES  
 05/27/83 HOUSE RECEIVED, REFERRED TO JUDICIARY -HJ 00736  
 06/03/83 HOUSE INDEFINITELY POSTPONED & W/D (SCR 1209), WAS IN  
 COMMITTEE ON JUDICIARY

S 0353 GENERAL BILL BY FOX (SIMILAR H 1019, COMPARE CS/S 0916)  
SALES TAX, REMOVES PROVISIONS WHICH REDUCE DEALER'S CREDIT FOR  
 COLLECTING SUCH UNDER CERTAIN CIRCUMSTANCES. AMENDS 212.04, 12.  
 EFFECTIVE DATE: 07/01/83.  
 03/15/83 SENATE PREFILED  
 03/29/83 SENATE REFERRED TO FINANCE, TAXATION AND CLAIMS  
 04/05/83 SENATE INTRODUCED, REFERRED TO FINANCE, TAXATION AND CLAIMS  
 -SJ 00033  
 04/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION  
 AND CLAIMS  
 05/03/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION  
 AND CLAIMS  
 05/16/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION  
 CONTINUED ON NEXT PAGE

05/16/83 AND CLAIMS  
 05/30/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION  
 AND CLAIMS  
 06/03/83 SENATE INDEF. POSTPONED & W/D (SCR 1209), WAS IN COMM. ISC  
 BILL PASSED; SEE C/S SB 916 (CH. 83-297)

S 0354 GENERAL BILL BY LANGLEY (SIMILAR CS/H 0982, COMPARE H 0422, S 0668)  
ADMINISTRATIVE PROCEDURE ACT, CHANGES TYPES OF PROCEEDINGS TO WHICH  
 PRISONER OR PAROLEE MAY BE PARTY UNDER SAID ACT; PROVIDES THAT WATER  
 MANAGEMENT DISTRICT SHALL REFER CONSUMPTIVE USE PERMIT APPLICATION  
 HEARINGS TO CERTAIN HEARING OFFICER, ETC. AMENDS 120.52, .57.  
 EFFECTIVE DATE: 06/06/83.  
 03/15/83 SENATE PREFILED  
 03/29/83 SENATE REFERRED TO CORRECTIONS, PROBATION AND PAROLE,  
 GOVERNMENTAL OPERATIONS  
 04/05/83 SENATE INTRODUCED, REFERRED TO CORRECTIONS, PROBATION AND  
 PAROLE, GOVERNMENTAL OPERATIONS -SJ 00035  
 04/07/83 SENATE ON COMMITTEE AGENDA-- CORRECTIONS, P & P, 04/12/83, 2  
 PM, RM. B  
 04/12/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND. BY CORRECTIONS,  
 PROBATION AND PAROLE -SJ 00099  
 04/13/83 SENATE NOW IN GOVERNMENTAL OPERATIONS -SJ 00099  
 04/15/83 SENATE ON COMMITTEE AGENDA-- GOVERNMENTAL OPERATIONS,  
 04/20/83, 9:00 AM, RM. H  
 04/20/83 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY  
 GOVERNMENTAL OPERATIONS -SJ 00143  
 04/26/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED AS AMENDED,  
 YEAS 35 NAYS 0 -SJ 00172  
 04/28/83 HOUSE IN MESSAGES  
 05/02/83 HOUSE RECEIVED, REFERRED TO JUDICIARY -HJ 00288  
 05/05/83 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY  
 JUDICIARY -HJ 00324  
 05/17/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR  
 05/19/83 HOUSE SUBSTITUTED FOR C/S HB 982; READ SECOND TIME, AMENDMENT  
 ADOPTED -HJ 00485  
 05/20/83 HOUSE READ THIRD TIME; PASSED AS AMENDED, YEAS 94 NAYS 5  
 -HJ 00494  
 05/24/83 SENATE IN MESSAGES  
 05/25/83 SENATE CONCURRENT; PASSED AS AMENDED; YEAS 33 NAYS 0;  
 ORDERED ENROLLED, THEN ENROLLED -SJ 00338  
 05/30/83 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 00322  
 06/06/83 APPROVED BY GOVERNOR CHAPTER NO. 83-78

S 0355 GENERAL BILL BY MEEK AND OTHERS (IDENTICAL H 0251, COMPARE CS/H 0012,  
 S 0153)  
CONTRABAND FORFEITURE; EXPANDS DEFINITION OF "CONTRABAND ARTICLE";  
 EXPANDS TYPE OF PROPERTY WHICH MAY BE FORFEITED & CIRCUMSTANCES UNDER  
 WHICH PROPERTY MAY BE FORFEITED UNDER FLA. CONTRABAND FORFEITURE ACT.  
 PROVIDES FOR ISSUANCE OF TITLE CERTIFICATES, ETC. AMENDS  
 932.701, .703, .704, 893.12. EFFECTIVE DATE: 10/01/83.  
 03/15/83 SENATE PREFILED  
 03/29/83 SENATE REFERRED TO JUDICIARY-CRIMINAL, HEALTH AND  
 REHABILITATIVE SERVICES, APPROPRIATIONS  
 04/05/83 SENATE INTRODUCED, REFERRED TO JUDICIARY-CRIMINAL, HEALTH AND  
 REHABILITATIVE SERVICES, APPROPRIATIONS -SJ 00035  
 04/19/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CRIMINAL  
 05/06/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CRIMINAL  
 05/17/83 SENATE ON COMMITTEE AGENDA-- JUDICIARY-CRIMINAL, TEMPORARILY  
 POSTPONED  
 05/18/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CRIMINAL  
 06/03/83 SENATE INDEFINITELY POSTPONED & W/D (SCR 1209), WAS IN  
 COMMITTEE ON JUDICIARY-CRIMINAL

S 0356 GENERAL BILL BY AGRICULTURE (SIMILAR ENG/H 0406)  
LIVESTOCK MARKETS (SUNSET) REQUIRES MARKETS TO COLLECT FOR LIVESTOCK  
 SOLD ON DAY OF SALE FROM PAKERS; REQUIRES COLLECTION FOR LIVESTOCK SOLD  
 BY LIVESTOCK MARKET TO REGISTERED DEALERS/PRODUCERS/FARMERS BE MADE  
 BEFORE CLOSE OF NEXT BUSINESS DAY FOLLOWING SALE, ETC. AMENDS/REVIVES/  
 READOPTS CH. 534. EFFECTIVE DATE: 10/01/83.  
 CONTINUED ON NEXT PAGE

By Senator Fox

40-602-83

This public document was prepared at a cost of \$7.02 per printed page for 1200 copies to inform the public of proposed legislation.

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A bill to be entitled  
An act relating to civil actions; amending ss.  
48 081(5), 48.181(3), 48.193, Florida Statutes;  
expanding the in personam jurisdiction of the  
courts of Florida; providing for service of  
process on corporations and nonresidents;  
providing an effective date.

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

Section 1 Subsection (5) of section 48 081, Florida  
Statutes, is amended to read:

48.081 Service on corporations.--

(5) Where a corporation engages in substantial and not  
isolated activities within this state, or has a business  
office within the state and is actually engaged in the  
transaction of business therefrom, service upon any officer or  
business agent, while on corporate business within this state  
resident in the state, may personally be made, pursuant to  
this section, and it is not necessary in such case, that the  
action, suit or proceeding against the corporation shall have  
arisen out of any transaction or operation connected with or  
incidental to the business being transacted within the state.

Section 2. Subsection (3) of section 48 181, Florida  
Statutes, is amended to read:

48.181 Service on nonresident engaging in business in  
state.--

(3) Any person, firm or corporation which sells,  
consigns, or leases by any means whatsoever tangible or  
intangible personal property, through brokers, jobbers,  
wholesalers, or distributors to any person, firm, or

1 corporation in this state shall be conclusively presumed to be  
2 both engaged in substantial and not isolated activities within  
3 this state, and operating, conducting, engaging in or carrying  
4 on a business or business venture in this state.

5 Section 3. Section 48.193, Florida Statutes, is  
6 amended to read:

7 48.193 Acts subjecting persons to jurisdiction of  
8 courts of state.--

9 (1) Any person, whether or not a citizen or resident  
10 of this state, who personally or through an agent does any of  
11 the acts enumerated in this subsection thereby submits that  
12 person and, if he is a natural person, his personal  
13 representative to the jurisdiction of the courts of this state  
14 for any cause of action arising from the doing of any of the  
15 following:

16 (a) Operates, conducts, engages in, or carries on a  
17 business or business venture in this state or has an office or  
18 agency in this state.

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

20 (c) Owns, uses, or possesses any real property within  
21 this state.

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

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

1 requirement for filing an action for dissolution of marriage.

2 (f) Causes injury to persons or property within this  
3 state arising out of an act or omission outside of this state  
4 by the defendant, provided that at or about the time of the  
5 injury either:

6 1. The defendant was engaged in solicitation or  
7 service activities within this state which resulted in such  
8 injury; or

9 2. Products, materials, or things processed, serviced,  
10 or manufactured by the defendant anywhere were used or  
11 consumed within this state in the ordinary course of commerce,  
12 trade, or use, and the use or consumption resulted in the  
13 injury.

14 (g) Breaches a contract in this state by failing to  
15 perform acts required by the contract to be performed in this  
16 state.

17 (2) A defendant engaged in substantial and not  
18 isolated activity within this state, whether such activity is  
19 wholly interstate, intrastate or otherwise, shall be subject  
20 to the jurisdiction of the courts of this state, whether or  
21 not the claim arises from that activity

22 (3) (2) Service of process upon any person who is  
23 subject to the jurisdiction of the courts of this state as  
24 provided in this section may be made by personally serving the  
25 process upon the defendant outside this state, as provided in  
26 s. 48.194. The service shall have the same effect as if it  
27 had been personally served within this state.

28 (3) Only causes of action arising from acts or  
29 emissions enumerated in this section may be asserted against a  
30 defendant in an action in which jurisdiction over him is based  
31 upon this section, unless the defendant in his pleadings



1 demands affirmative relief on other causes of action, in which  
2 event the plaintiff may assert any cause of action against the  
3 defendant, regardless of its basis, by amended pleadings  
4 pursuant to the rules of civil procedure-

5 (4) If a defendant in his pleadings demands  
6 affirmative relief on causes of action unrelated to the  
7 transaction forming the basis of the plaintiff's claim, the  
8 defendant shall thereafter in that action be subject to the  
9 jurisdiction of the court for any cause of action the  
10 plaintiff may by amendment assert against the defendant,  
11 regardless of its basis.

12 (5)(4) Nothing contained in this section shall limit  
13 or affect the right to serve any process in any other manner  
14 now or hereinafter provided by law.

15 Section 4. This act shall take effect upon becoming a  
16 law.

17 \*\*\*\*\*

18 SENATE SUMMARY

19 Expands the in personam jurisdiction of the courts of  
20 Florida.  
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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	<u>Fradley D.K.</u>	<u>Alberding</u>	1. <u>JCI</u>	<u>Fav</u>
2.	_____	_____	2. _____	_____
3.	_____	_____	3. _____	_____

SUBJECT: Civil Actions

BILL NO. AND SPONSOR: SB 352 by Senator Fox

I. SUMMARY:

A. Present Situation:

The United States Supreme Court stated in International Shoe Co. v. Washington, 326 U.S. 310 (1945), that "due process requires only that in order to subject a defendant to a judgment in personam if he be not present within the territory of the forum, he have certain minimum contacts with it such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice'." In dictum, the Court stated that "it has been generally recognized that the casual presence of the corporate agent or even his conduct of single or isolated items of activities in a state in the corporation's behalf are not enough to subject it to suit on causes of action unconnected with the activities there. There have been instances in which the continuous corporate operations within a state were thought so substantial and of such a nature as to justify suit against it on causes of action arising from dealings entirely distinct from those activities."

In 1973, Florida adopted a new long arm statute, s. 48.193, F.S. Subsection (1) of s. 48.193, F.S., provides that any person, whether or not a citizen or resident of this state, submits to the jurisdiction of the Florida courts for any cause of action arising from the doing of any of certain enumerated acts. Section 48.181 F.S., is very similar to s. 48.193(1)(a), F.S. Generally, they both provide that any person who personally, or through an agent, is found doing business within the state submits himself to the jurisdiction of the courts within the state for matters arising from such activity. A difference between the statutes is the language in s. 48.181(3) which states that any person who sells or leases property through brokers, jobbers, wholesalers, or distributors to anyone in Florida shall be conclusively presumed to be operating, conducting, engaging in or carrying on a business venture in this state.

Another important difference between the two statutes is the method of service. Section 48.193(2), F.S., provides that the service of process may be made by personally serving the defendant outside this state as provided in s. 48.194, F.S. In contrast, s. 48.181, F.S., provides for the appointment of the Secretary of State to receive process, and if the foreign corporation has a resident agent or officer in the state process shall be served on him.

Another statute that is similar to s. 48.193(1)(a), F.S., is s. 48.081(5) F.S. Section 48.081(5), F.S., provides that where a corporation has a business office within the state and is actually engaged in the transaction of business therefrom, service upon any officer or business agent, resident in this state, may personally be made. Unlike s. 48.193(1)(a), F.S.,

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s. 48.081(5), F.S., provides that it is not necessary that the action against the corporation had arisen out of any transaction or operation connected with or incidental to the business being transacted within the state.

It appears that Florida has gone beyond the minimum contacts standard with regard to foreign corporations and other nonresidents conducting business in Florida by providing for personal jurisdiction only where the cause of action arises from the nonresident's business activities in Florida. This connexity requirement is not imposed where the foreign corporation has registered under the Corporation Code and has designated a registered agent for receipt of service of process.

B. Effect of Proposed Changes:

SB 352 amends subsection (5) of s. 48.081, F.S., to authorize service of process upon any officer or business agent while on corporate business within this state if the corporation engages in substantial and not isolated activities within this state or has a business office within the state and is actually engaged in the transaction of business therefrom. The bill deletes the requirement that the officer or agent be resident in the state. As under current law, it is not necessary that the action against the corporation have arisen out of any transaction or operation connected with or incidental to the business being transacted within the state.

The bill amends s. 48.181(3), F.S., to provide that any person, firm, or corporation which sells, consigns, or leases by any means whatsoever tangible or intangible personal property, through brokers, jobbers, wholesalers, or distributors to any person, firm, or corporation in this state shall be conclusively presumed to be engaged in substantial and not isolated activities within this state as well as conclusively presumed to be operating, conducting, engaging in or carrying on a business or business venture in this state.

The bill changes s. 48.193, F.S., to provide that a defendant engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate or otherwise, shall be subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity. Under current law, the act must arise from the activity.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

It is likely that more nonresidents will be required to defend actions in Florida. As a result, there may be a cost savings to Florida residents and additional expenses to nonresidents.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.