DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

ROBINSON HELICOPTER COMPANY, INC.,

Appellant,

v.

GRACE GANGAPERSAUD, as personal representative of the Estate of Deodat P. Gangapersaud deceased, RYAN PERSAUD; LAVENDRANAUTH PERSAUD; HBD INDUSTRIES, INC.; HBD/THERMOID, INC.; FSH MAINTENANCE, LLC; FLORIDA SUNCOAST HELICOPTERS, LLC; and BC DENTAL, INC.,

Appellees.

No. 2D20-2470

January 5, 2022

Appeal pursuant to Fla. R. App. P. 9.130 from the Circuit Court for Hillsborough County; Martha J. Cook, Judge.

Mark R. Antonelli and Emily C. Smith, Coral Gables, and Tim A. Goetz, Torrence, California, for Appellant.

Thomas J. Seider of Brannock Humphries & Berman, Tampa, and T. Patton Youngblood of Youngblood Law Firm, St. Petersburg, for Estate of Deodat P. Gangapersaud by and through Grace Gangapersaud, as Personal Representative thereof, and Ryan Persaud, Appellees.

No appearance for remaining Appellees.

STARGEL, Judge.

Robinson Helicopter Company, Inc., appeals a nonfinal order denying its motion to dismiss for lack of personal jurisdiction in this action brought by Grace Gangapersaud, as personal representative of the Estate of Deodat P. Gangapersaud, and Ryan Persaud (collectively, the Estate). Because we conclude that the trial court erroneously determined that personal jurisdiction existed over Robinson, a nonresident entity based in California, we reverse.

Background

On March 31, 2019, Dr. Brent Mutton was flying an R44 helicopter owned by his dental practice, BC Dental, Inc., from Naples to Cross City, Florida, when the engine unexpectedly lost power, forcing him to land the aircraft in an empty field near Tampa. Over the following days, Dr. Mutton communicated with Robinson, the manufacturer, and FSH Maintenance, LLC, a local service provider, in an effort to repair the helicopter.[1] Robinson provided FSH with instructions for diagnosing and repairing the

[1] During this time, the helicopter remained at the site of the March 31 landing.

helicopter as well as replacement parts to potentially fix the problem.

On April 4, 2019, mechanics from FSH replaced the helicopter's fuel pump with a replacement part sent by Robinson. After FSH representatives were able to start the engine and hover the helicopter for several minutes, it was decided that FSH would fly the helicopter to its facility in Sarasota for further inspection. But during the flight, the engine failed yet again, forcing the pilot to attempt an emergency landing in a busy intersection in Tampa. During the landing, one of the helicopter's rotor blades struck a utility pole, causing a piece of the blade to break off and fly through the windshield of a pickup truck sitting at the intersection. The passenger, Deodat P. Gangapersaud, was killed instantly; the driver, Ryan Persaud, suffered nonfatal injuries.

The Estate filed this action against Robinson, FSH, and several other defendants in Hillsborough County circuit court. The amended complaint asserted claims against Robinson for strict liability and negligence based on a defective air inlet duct which caused the engine failure as well as a separate negligence claim for failing to properly diagnose, repair, and transport the helicopter.

Robinson moved to dismiss for lack of personal jurisdiction. In support, Robinson submitted sworn affidavits from three of its employees, Peter Riedl, Patrick Cox, and Peter Hallqvist, contesting the amended complaint's jurisdictional allegations. The Estate opposed the motion, asserting that Robinson purposefully availed itself of the privilege of doing business in Florida and that Robinson's conduct giving rise to the claims against it supported a finding of specific jurisdiction under Florida's long-arm statute.[2]

At the hearing on Robinson's motion, the Estate focused its argument on the issue of specific jurisdiction.[3] According to the Estate, Robinson's involvement in the negligent diagnosis, repair, and transport of the helicopter brought it within the ambit of section 48.193(1)(a)2, Florida Statutes (2018), which provides for specific jurisdiction over a nonresident who "[c]ommit[s] a tortious act within this state." In addition, the Estate also maintained that specific jurisdiction existed under section 48.193(1)(a)6 because a

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[2] *See* § 48.193, Fla. Stat. (2018).

[3] Counsel for the Estate essentially conceded that general jurisdiction was not appropriate in this case, noting that "in light of the case law . . . it's tough for [the Estate] to establish general jurisdiction over Robinson."

helicopter which was manufactured by Robinson caused injury within the state.[4]

The trial court ultimately denied the motion, finding that sufficient jurisdictional facts existed to bring the action within the ambit of the long-arm statute and to establish the constitutionally required minimum contacts. This appeal follows.

Analysis

Robinson contends that its motion should have been granted because the trial court has neither general nor specific jurisdiction over it. While the amended complaint pleaded grounds for both general and specific jurisdiction, the Estate now asserts that "[t]he

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[4] Section 48.193(1)(a)6 provides for jurisdiction over a person who

> [c]aus[es] injury to persons or property within this state arising out of an act or omission by the defendant outside this state, if, at or about the time of the injury, either:
>
> a. The defendant was engaged in solicitation or service activities within this state; or
>
> b. 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.

existence of general personal jurisdiction is not at issue" in this case. Based on this concession, we need only address the issue of specific jurisdiction. Our standard of review for this issue is de novo. *See Camp Illahee Invs., Inc. v. Blackman*, 870 So. 2d 80, 83 (Fla. 2d DCA 2003). To determine whether personal jurisdiction exists over a nonresident defendant, courts must apply the two-step test set forth in *Venetian Salami Co. v. Parthenais*, 554 So. 2d 499 (Fla. 1989). First, the court must determine whether the operative complaint "alleges sufficient jurisdictional facts to bring the action within the ambit of the [long-arm] statute." *Id.* at 502 (quoting *Unger v. Publisher Entry Serv., Inc.*, 513 So. 2d 674, 675 (Fla. 5th DCA 1987)). "[I]f it does, the next inquiry is whether sufficient 'minimum contacts' are demonstrated to satisfy due process requirements." *Id.* (quoting *Unger*, 513 So. 2d at 675).

The plaintiff bears the initial burden to allege a basis for personal jurisdiction under the long-arm statute. *See Rautenberg v. Falz*, 193 So. 3d 924, 928 (Fla. 2d DCA 2016). When alleging specific jurisdiction under section 48.193(1), "due process considerations also require the plaintiff to establish that the nonresident defendant 'has sufficient minimum contacts with the

state so that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.' " *Volkswagen Aktiengesellschaft v. Jones*, 227 So. 3d 150, 154 (Fla. 2d DCA 2017) (quoting *Teva Pharm. Indus. v. Ruiz*, 181 So. 3d 513, 516 (Fla. 2d DCA 2016)).

If the plaintiff meets this initial pleading requirement, the defendant may contest the plaintiff's jurisdictional allegations by filing a "legally sufficient affidavit or other sworn proof" to the contrary.[5] *Rautenberg*, 193 So. 3d at 928 (citing *Hilltopper Holding Corp. v. Est. of Cutchin ex rel. Engle*, 955 So. 2d 598, 601 (Fla. 2d DCA 2007)). "If the defendant's affidavit fully disputes the jurisdictional allegations, then the burden shifts back to the plaintiff to prove by affidavit or other sworn proof that there is a basis for long-arm jurisdiction." *Id.* at 929 (citing *Hilltopper*, 955

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[5] "To be legally sufficient, the defendant's affidavit must contain factual allegations which, *if taken as true,* show that the defendant's conduct does not subject him to jurisdiction. At this stage, the defendant's affidavit must contest only the actual jurisdictional facts—not the ultimate allegations of the complaint." *Hilltopper Holding Corp. v. Est. of Cutchin ex rel. Engle*, 955 So. 2d 598, 601 (Fla. 2d DCA 2007) (first citing *Acquadro v. Bergeron*, 851 So. 2d 665, 672 (Fla. 2003); then citing *Capital One Fin. Corp. v. Miller*, 709 So. 2d 639, 640 (Fla. 2d DCA 1998); and then citing *Acquadro*, 851 So. 2d at 669).

So. 2d at 602). Should the plaintiff fail to produce sworn proof refuting the defendant's allegations and establishing jurisdiction, the defendant's motion to dismiss must be granted. *Hilltopper Holding Corp.*, 955 So. 2d at 602.

The Estate raises two grounds for specific jurisdiction over Robinson in this case: first, that Robinson committed a tort within this state, and second, that a product manufactured by Robinson—the helicopter—caused injury within this state. While the trial court's order does not specify under which provision of the long-arm statute it found that it had personal jurisdiction over Robinson, we conclude that jurisdiction does not exist under either theory.

A. Committing a Tortious Act

The amended complaint alleges that Robinson's "negligent actions and omissions pertaining to its involvement in the repair and diagnosis of the helicopter," including its "furnishing of parts" to FSH, its "collaboration" with FSH, and "the decision to transport versus fly the helicopter [to FSH's facility in Sarasota]," contributed to the crash. It further alleges that Robinson's actions in this regard "inextricably link[] Robinson to, and create[] a substantial connection with, Florida." According to the Estate, these allegations

establish personal jurisdiction under section 48.193(1)(a)2 of the long-arm statute.

To support a finding of personal jurisdiction under section 48.193(1)(a)2, "[t]he statute expressly requires that the tort be committed in Florida." *Casita, L.P. v. Maplewood Equity Partners L.P.*, 960 So. 2d 854, 857 (Fla. 3rd DCA 2007); *see also Rautenberg*, 193 So. 3d at 930 ("The statute's language 'necessarily focuses analysis not on where a plaintiff ultimately felt damages, but where a defendant's tortious conduct occurred.' " (quoting *Metnick & Levy, P.A. v. Seuling*, 123 So. 3d 639, 645 (Fla. 4th DCA 2013))). There is no question here that Robinson did not have any representatives in Florida when any of the events in this case transpired.

"[A] defendant's physical presence," however, is not required "in order to 'commit a tortious act' in Florida." *Wendt v. Horowitz*, 822 So. 2d 1252, 1260 (Fla. 2002). In *Wendt*, the court held that the commission of a tortious act for the purposes of long-arm jurisdiction "can occur through the nonresident defendant's telephonic, electronic, or written communications into Florida" so long as "the cause of action . . . arise[s] from the communications." *Id.* Based on the holding in *Wendt*, the Estate argues that

Robinson's communications with FSH which form the basis of the negligent repair claim satisfy this provision of the long-arm statute.

However, as this court has previously explained, "the *Wendt* rule is applied when the tort 'involves some sort of communication directed into Florida for purpose of fraud, slander, or other intentional tort.' " *Stonepeak Partners, LP v. Tall Tower Cap., LLC*, 231 So. 3d 548, 554 (Fla. 2d DCA 2017) (quoting *Wiggins v. Tigrent, Inc.*, 147 So. 3d 76, 86 (Fla. 2d DCA 2014)).

> The reasoning of the cases expanding the reach of subsection (1)[(a)2] does not appear to have been used in typical negligence actions, *see Homeway Furniture Co. of Mount Airy, Inc. v. Horne*, 822 So. 2d 533, 537 (Fla. 2d DCA 2002), but has been applied primarily to defamation, slander, fraud, and other intentional torts. *See, e.g.*, *Achievers Unlimited, Inc. v. Nutri Herb, Inc.*, 710 So. 2d 716 (Fla. 4th DCA 1998) (involving action for defamation); *Wood v. Wall*, 666 So. 2d 984 (Fla. 3d DCA 1996) (involving action for fraud and racketeering); *Silver v. Levinson*, 648 So. 2d 240 (Fla. 4th DCA 1994) (involving action for defamation); *Allerton v. State, Dep't of Ins.*, 635 So. 2d 36 (Fla. 1st DCA 1994) (involving action for fraud and breach of fiduciary duty); *Int'l Harvester Co. v. Mann*, 460 So. 2d 580 (Fla. 1st DCA 1984) (involving action for breach of fiduciary duty), *disapproved of on other grounds, Doe v. Thompson*, 620 So. 2d 1004 (Fla. 1993). These cases have generally been based upon common law theories and actions that a reasonable person outside the State of Florida would expect to create a cause of action in Florida.

Kountze v. Kountze, 996 So. 2d 246, 252 (Fla. 2d DCA 2008).

Contrary to the cases discussed in *Kountze*, the proffered basis for jurisdiction in this case is a claim sounding in ordinary negligence. While the Estate cites a sampling of decisions from other districts finding personal jurisdiction over nonresident tortfeasors based on communications directed into the state, the vast majority of those cases also involved claims for defamation or other intentional torts. *See, e.g.*, *Price v. Kronenberger*, 24 So. 3d 775, 776 (Fla. 5th DCA 2009); *Fletcher Jones W. Shara, Ltd. v. Rotta*, 919 So. 2d 685, 686 (Fla. 3d DCA 2006); *Silver*, 648 So. 2d at 241.

One exception is the First District's decision in *Dean v. Johns*, 789 So. 2d 1072 (Fla. 1st DCA 2001), which involved an action for medical malpractice. There, the court held that the defendant, an Alabama-based neurologist, had committed a tort in Florida for the purposes of long-arm jurisdiction even though he was not present for the plaintiff's treatment because the plaintiff's injuries occurred in Florida and the Alabama doctor directed phone calls and reports into the state for the purpose of treating the plaintiff. *Id.* at 1077.

We find *Dean* to be distinguishable from the instant case. The facts of *Dean* reveal that the defendant accepted Dean as a patient,

rendered a diagnosis and recommended surgery, and reached out to both Dean and her referring physician in Florida to discuss the procedure. *Id.* at 1075. Here, the amended complaint alleges that Robinson simply responded to Dr. Mutton and FSH's communications by providing instructions and spare parts to potentially repair the issue with the helicopter. This is a far cry from the circumstances which led the court in *Dean* to conclude that the defendant had committed a tort in Florida for the purposes of long-arm jurisdiction.

Accordingly, based on the nature of the tort claim against Robinson, we cannot conclude that the holding in *Wendt* contemplates the exercise of specific jurisdiction in circumstances such as those alleged in the amended complaint. Because the amended complaint fails to sufficiently allege that Robinson committed a tortious act in Florida under section 48.193(1)(a)2, it fails under the first prong of *Venetian Salami*.

B. Causing Injury Within the State

As a separate basis for specific jurisdiction over Robinson, the amended complaint alleges that Robinson is subject to personal jurisdiction under section 48.193(1)(a)6 because Robinson

> caus[ed] injuries to Plaintiffs and property in Hillsborough County, Florida, on and after April 4, 2019, by acts or omissions outside this State, . . . and, at the time of said injuries, products, materials, or things processed, serviced, or manufactured by [Robinson] were used or consumed within this State in the ordinary course of commerce, trade, or use.

Robinson claims it does not fall within the ambit of this provision because it "did not manufacture or design the part upon which Plaintiffs base their claim" and "did not perform any of the maintenance actions which precipitated the Subject Accident."[6] However, as the Estate correctly argues, "nothing in the long-arm statute requires Robinson to be the manufacturer or designer [of] the specific part that caused the accident." Rather, it is sufficient that Robinson manufactured the helicopter which included the defective part that allegedly caused the engine failure. *See Cunningham v. Lynch-Davidson Motors, Inc.*, 425 So. 2d 131, 133 (Fla. 1st DCA 1982) ("[T]he assembler of a product, *which includes a component part manufactured by another*, who sells the completed product as its own and thereby represents to the public

[6] Robinson does not dispute that the helicopter caused injuries within this state or that the helicopter was being operated in the ordinary course of use at the time of the accident.

that it is the manufacturer is also considered the manufacturer of the component part." (emphasis added)).

Because there is no dispute that Robinson assembled the helicopter and sold it as its own, it makes no difference whether Robinson manufactured the faulty air inlet duct which allegedly caused the engine failure. Thus, Robinson has failed to refute the Estate's claim that this provision of the long-arm statute applies. Accordingly, we turn to the second step of the *Venetian Salami* analysis—the constitutional requirement of minimum contacts.

"The Due Process Clause of the Fourteenth Amendment constrains a State's authority to bind a nonresident defendant to a judgment of its courts." *Walden v. Fiore*, 571 U.S. 277, 283 (2014) (citing *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 (1980)). The Supreme Court has held that a nonresident defendant must have certain "minimum contacts" with the forum state such that the exercise of jurisdiction "does not 'offend traditional notions of fair play and substantial justice.' " *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)).

To establish minimum contacts in a case involving specific jurisdiction, the plaintiff must show that the defendant's contacts with the forum state

> (1) are related to the plaintiff's cause of action or have given rise to it, (2) involve some act by which the defendant has purposefully availed itself of the privilege of conducting activities within the forum, and (3) must be such that the defendant should reasonably anticipate being haled into court there.

Volkswagen Aktiengesellschaft, 227 So. 3d at 154-55 (citing *Moro Aircraft Leasing, Inc. v. Int'l Aviation Mktg., Inc.*, 206 So. 3d 814, 817 (Fla. 2d DCA 2016)). In other words, "[f]or a State to exercise jurisdiction consistent with due process, the defendant's suit-related conduct must create a substantial connection with the forum State." *Walden*, 571 U.S. at 284. In products liability actions, "[t]he defendant's transmission of goods permits the exercise of jurisdiction only where the defendant can be said to have targeted the forum." *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 882 (2011).

In this case, Robinson claims that there are no minimum contacts because the helicopter was not "purposefully directed" to Florida—rather, it was sold to a dealer in Indiana before being

resold to BC Dental and later brought to Florida. The Estate disagrees, arguing that purposeful availment is evidenced by the existence of three Robinson-authorized dealers and eleven authorized service centers in Florida, which allow owners of Robinson helicopters to obtain maintenance all over the state. As the Estate puts it, Robinson "sold its products knowing that they would end up in Florida."

The Estate argues that the Supreme Court's recent decision in *Ford Motor Co. v. Montana Eighth Judicial District Court*, 141 S. Ct. 1017 (2021), which was decided during the pendency of this appeal, is directly on point. That case involved lawsuits in Montana and Minnesota brought by plaintiffs who claimed that they had been injured in accidents caused by defects in their Ford vehicles. *Id.* at 1022. Each action was filed in the state where the accident had occurred which, in both instances, was also the plaintiff's home state. *Id.* In both cases, the automobiles had been originally sold in other states and brought to the respective forum states by later resales and relocations. *Id.* at 1023.

Ford contested personal jurisdiction in both actions. Notably, Ford agreed that it did "substantial business" in Montana and

Minnesota and had "purposefully avail[ed] itself of the privilege of conducting activities" in those states. *Id.* at 1026 (alteration in original) (quoting *Hanson v. Denckla*, 357 U.S. 235, 253 (1958)). However, it argued that specific jurisdiction did not exist because "those activities do not sufficiently connect to the suits" and that jurisdiction attaches "only if the defendant's forum conduct *gave rise* to the plaintiff's claims." *Id.* Instead, Ford claimed that specific jurisdiction existed *only* in those states where Ford designed, manufactured, or sold the respective vehicles. *Id.*

The Court rejected this "causation-only" approach, explaining that the "most common formulation of the rule demands that the suit 'arise out of *or relate to* the defendant's contacts with the forum,' " and that "the back half [of that standard], after the 'or,' contemplates that some relationships will support jurisdiction without a causal showing." *Id.* (quoting *Bristol-Myers Squibb Co. v. Superior Ct. of Cal.*, 137 S. Ct. 1773, 1780 (2017)). Also relevant is whether "a corporation has 'continuously and deliberately exploited [a State's] market,' " in which case "it must reasonably anticipate being haled into" court there. *Id.* at 1027 (alteration in original) (quoting *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 781 (1984));

see also World-Wide Volkswagen, 444 U.S. at 297 ("[I]f the sale of a product of a manufacturer or distributor . . . is not simply an isolated occurrence, but arises from the efforts of the manufacturer or distributor to serve directly or indirectly, the market for its product in other States, it is not unreasonable to subject it to suit in one of those States if its allegedly defective merchandise has there been the source of injury to its owner or to others.").

Using this analysis, the Court determined that Ford had sufficient suit-related contacts to locate personal jurisdiction in the respective forum states. *Id.* at 1028. The Court noted that Ford advertises the vehicle models involved in those states "[b]y every means imaginable," including television, radio, print, and direct mail; sells those models, new or used, at the many dealerships in the states; distributes replacement parts to dealers and independent auto shops in the states; and that its dealers in those states regularly service those and other Ford models. *Id.* "In other words, Ford had systematically served a market in Montana and Minnesota for the very vehicles that the plaintiffs allege[d] malfunctioned and injured them in those States." *Id.*

As such, the Court concluded that there was "a strong 'relationship among the defendant, the forum, and the litigation'—the 'essential foundation' of specific jurisdiction." *Id.* (quoting *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 (1984)). By regularly conducting business in Montana and Minnesota, Ford "enjoys the benefits and protection of [their] laws" and "has 'clear notice' that it will be subject to litigation in [their] courts when the product malfunctions there." *Id.* at 1029-30 (first alteration in original) (first quoting *Int'l Shoe*, 326 U.S. at 319; and then quoting *World-Wide Volkswagen*, 444 U.S. at 297). The Court clearly stated that its decision would not mean "that any person using any means to sell any good in a State is subject to jurisdiction there if the product malfunctions after arrival." *Id.* at 1028 n.4. The Court further stated its intention to continue "treat[ing] isolated or sporadic transactions differently from continuous ones." *Id.*

The circumstances here are much different than in the *Ford* case. For starters, recall that Ford conceded the issue of purposeful availment—agreeing that it did substantial business in the forum states—and focused its argument on whether its contacts with the

forum states "a[rose] out of or relate[d] to" the causes of action in those cases. *See id.* at 1026. In this case, Robinson makes no such concession—and for good reason.

Robinson Helicopter Company is no Ford Motor Company. Ford is a universally acknowledged household name and markets and advertises its products daily throughout the country. Ford has dealers in every state and its products are sold and serviced throughout the United States and beyond. *Id.* In the United States alone, Ford annually distributes over 2.5 million new vehicles to over 3,200 licensed dealerships. *Id.* Robinson, on the other hand, is a comparatively small company with a single facility in California which produced fewer than fifty helicopters in 2020. There is no indication that Robinson engages in any targeted advertising in Florida (or any other state), much less the types of "wide-ranging promotional activities" which are commonplace for Ford.[7] Moreover, while Robinson does maintain a list of "authorized"

[7] As Justice Kagan observed in the *Ford* case, such promotional activities include "television, print, online, and direct-mail advertisements. No matter where you live, you've seen them: 'Have you driven a Ford lately?' or 'Built Ford Tough.' " 141 S. Ct. at 1022.

dealers and service centers in various states, including Florida, those businesses are separate entities; Robinson itself has no employees, agents, or representatives in the state.

Clearly, the circumstances which led Ford to concede purposeful availment in the *Ford* case are not present here. Robinson has not "systematically" served a market in Florida for the type of helicopter involved in this case. And while the particular aircraft involved in this case malfunctioned and caused injury within Florida, it had only been brought into the state after BC Dental had purchased it from the dealer in Indiana. But as this court has previously explained, the "unilateral activity of another party" is not an appropriate consideration in the minimum contacts analysis. *Volkswagen Aktiengesellschaft*, 227 So. 3d at 158 (quoting *Helicopteros*, 466 U.S. at 417).

Nor can we conclude that Robinson had contacts with Florida that "arise out of or relate to" the causes of action in this case. As explained above, Robinson did not direct the subject helicopter into Florida nor has it continuously exploited the state's market such that it must reasonably anticipate being haled into court here. In fact, the few contacts Robinson had with Florida which could

plausibly be said to "arise out of or relate to" this case were actually created by FSH and Dr. Mutton who, as the record demonstrates, reached out to Robinson for advice in repairing the helicopter. This is insufficient to establish minimum contacts, as due process requires that the defendant's relationship with the forum state "must arise out of contacts that the 'defendant *himself* creates with the forum State." *Walden*, 571 U.S. at 284 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985)).

Accordingly, we hold that Robinson lacks the constitutionally required minimum contacts with Florida to support the exercise of specific jurisdiction under section 48.193(1)(a)6 of the long-arm statute. Because we also conclude that personal jurisdiction does not exist under section 48.193(1)(a)2, we reverse the order denying Robinson's motion to dismiss for lack of personal jurisdiction and remand with instructions for the trial court to render an order dismissing Robinson from this action.

Reversed and remanded with instructions.

BLACK and ROTHSTEIN-YOUAKIM, JJ., Concur.

Opinion subject to revision prior to official publication.