

1 A bill to be entitled
2 An act relating to dispute resolution; amending s.
3 682.01, F.S.; revising the short title of the "Florida
4 Arbitration Code" to the "Revised Florida Arbitration
5 Code"; creating s. 682.011, F.S.; providing
6 definitions; creating s. 682.012, F.S.; specifying how
7 a person gives notice to another person and how a
8 person receives notice; creating s. 682.013, F.S.;
9 specifying the applicability of the revised code;
10 creating s. 682.014, F.S.; providing that an agreement
11 may waive or vary the effect of statutory arbitration
12 provisions; providing exceptions; creating s. 682.015,
13 F.S.; providing for petitions for judicial relief;
14 providing for service of notice of an initial petition
15 for such relief; amending s. 682.02, F.S.; revising
16 provisions relating to the making of arbitration
17 agreements; requiring a court to decide whether an
18 agreement to arbitrate exists or a controversy is
19 subject to an agreement to arbitrate; providing for
20 determination of specified issues by an arbitrator;
21 providing for continuation of an arbitration
22 proceeding pending resolution of certain issues by a
23 court; revising provisions relating to applicability
24 of provisions to certain interlocal agreements;
25 amending s. 682.03, F.S.; revising provisions relating
26 to proceedings to compel and to stay arbitration;
27 creating s. 682.031, F.S.; providing for a court to
28 order provisional remedies before an arbitrator is

29 appointed and is authorized and able to act; providing
30 for orders for provisional remedies by an arbitrator;
31 providing that a party does not waive a right of
32 arbitration by seeking provisional remedies in court;
33 creating s. 682.032, F.S.; providing for initiation of
34 arbitration; providing that a person waives any
35 objection to lack of or insufficiency of notice by
36 appearing at the arbitration hearing; providing an
37 exception; creating s. 682.033, F.S.; providing for
38 consolidation of separate arbitration proceedings as
39 to all or some of the claims in certain circumstances;
40 prohibiting consolidation if the agreement prohibits
41 consolidation; amending s. 682.04, F.S.; revising
42 provisions relating to appointment of an arbitrator;
43 prohibiting an individual with an interest in the
44 outcome of an arbitration from serving as a neutral
45 arbitrator; creating s. 682.041, F.S.; requiring
46 certain disclosures of interests and relationships by
47 a person before accepting appointment as an
48 arbitrator; providing a continuing obligation to make
49 such disclosures; providing for objections to an
50 arbitrator based on information disclosed; providing
51 for vacation of an award if an arbitrator failed to
52 disclose a fact as required; providing that an
53 arbitrator appointed as a neutral arbitrator who does
54 not disclose certain interests or relationships is
55 presumed to act with partiality for specified
56 purposes; requiring parties to substantially comply

57 | with agreed to procedures of an arbitration
58 | organization or any other procedures for challenges to
59 | arbitrators before an award is made in order to seek
60 | vacation of an award on specified grounds; amending s.
61 | 682.05, F.S.; requiring that if there is more than one
62 | arbitrator, the powers of an arbitrator must be
63 | exercised by a majority of the arbitrators; requiring
64 | all arbitrators to conduct the arbitration hearing;
65 | creating s. 682.051, F.S.; providing immunity from
66 | civil liability for an arbitrator or an arbitration
67 | organization acting in the capacity of an arbitrator;
68 | providing that this immunity is supplemental to any
69 | immunity under other law; providing that failure to
70 | make a required disclosure does not remove immunity;
71 | providing that an arbitrator or representative of an
72 | arbitration organization is not competent to testify
73 | and may not be required to produce records concerning
74 | the arbitration; providing exceptions; providing for
75 | awarding an arbitrator, arbitration organization, or
76 | representative of an arbitration organization with
77 | reasonable attorney fees and expenses of litigation
78 | under certain circumstances; amending s. 682.06, F.S.;
79 | revising provisions relating to the conduct of
80 | arbitration hearings; providing for summary
81 | disposition, notice of hearings, adjournment, and
82 | rights of a party to the arbitration proceeding;
83 | requiring appointment of a replacement arbitrator in
84 | certain circumstances; amending s. 682.07, F.S.;

85 providing that a party to an arbitration proceeding
86 may be represented by an attorney; amending s. 682.08,
87 F.S.; revising provisions relating to the issuance,
88 service, and enforcement of subpoenas; revising
89 provisions relating to depositions; authorizing an
90 arbitrator to permit discovery in certain
91 circumstances; authorizing an arbitrator to order
92 compliance with discovery; authorizing protective
93 orders by an arbitrator; providing for applicability
94 of laws compelling a person under subpoena to testify
95 and all fees for attending a judicial proceeding, a
96 deposition, or a discovery proceeding as a witness;
97 providing for court enforcement of a subpoena or
98 discovery-related order; providing for witness fees;
99 creating s. 682.081, F.S.; providing for judicial
100 enforcement of a preaward ruling by an arbitrator in
101 certain circumstances; amending s. 682.09, F.S.;
102 revising provisions relating to the record needed for
103 an award; revising provisions relating to the time
104 within which an award must be made; amending s.
105 682.10, F.S.; revising provisions relating to
106 requirements for a motion to modify or correct an
107 award; amending s. 682.11, F.S.; revising provisions
108 relating to fees and expenses of arbitration;
109 authorizing punitive damages and other exemplary
110 relief and remedies; amending s. 682.12, F.S.;
111 revising provisions relating to confirmation of an
112 award; amending s. 682.13, F.S.; revising provisions

113 relating to grounds for vacating an award; revising
114 provisions relating to a motion for vacating an award;
115 providing for a rehearing in certain circumstances;
116 amending s. 682.14, F.S.; revising provisions relating
117 to the time for moving to modify or correct an award;
118 deleting references to the term "umpire"; revising a
119 provision concerning confirmation of awards; amending
120 s. 682.15, F.S.; revising provisions relating to a
121 court order confirming, vacating without directing a
122 rehearing, modifying, or correcting an award;
123 providing for award of costs and attorney fees in
124 certain circumstances; repealing s. 682.16, F.S.,
125 relating to judgment roll and docketing of certain
126 orders; repealing s. 682.17, F.S., relating to
127 application to court; repealing s. 682.18, F.S.,
128 relating to the definition of the term "court" and
129 jurisdiction; creating s. 682.181, F.S.; providing for
130 jurisdiction relating to the revised code; amending s.
131 682.19, F.S.; revising provisions relating to venue
132 for actions relating to the code; amending s. 682.20,
133 F.S.; providing that an appeal may be taken from an
134 order denying confirmation of an award unless the
135 court has entered an order under specified provisions;
136 providing that all other orders denying confirmation
137 of an award are final orders; repealing s. 682.21,
138 F.S., relating to the previous code not applying
139 retroactively; repealing s. 682.22, F.S., relating to
140 conflict of laws; creating s. 682.23, F.S.; specifying

141 the relationship of the code to the Electronic
142 Signatures in Global and National Commerce Act;
143 creating s. 682.24, F.S.; specifying the effective
144 date of the revised code; providing for applicability;
145 creating s. 682.25, F.S.; providing that the revised
146 code does not apply to any dispute involving child
147 custody, visitation, or child support; amending s.
148 44.104, F.S.; deleting references to binding
149 arbitration from provisions providing for voluntary
150 trial resolution; providing for temporary relief;
151 revising provisions relating to procedures in
152 voluntary trial resolution; providing that a judgment
153 is reviewable in the same manner as a judgment in a
154 civil action; deleting provisions relating to
155 applicability of the harmless error doctrine;
156 providing limitations on the jurisdiction of a trial
157 resolution judge; providing for the use of juries;
158 providing for the title of a trial resolution judge
159 and the use of judicial robes; amending s. 44.107,
160 F.S.; providing immunity for voluntary trial
161 resolution judges serving under specified provisions;
162 amending ss. 440.1926 and 489.1402, F.S.; conforming
163 cross-references; amending s. 731.401, F.S.; revising
164 a reference to binding arbitration under a specified
165 provision; providing directives to the Division of
166 Statutory Revision, including redesignating the title
167 of chapter 44, Florida Statutes, as "Alternative
168 Dispute Resolution"; providing an effective date.

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

Section 1. Section 682.01, Florida Statutes, is amended to read:

682.01 Short title Florida Arbitration Code.~~—This chapter Sections 682.01–682.22~~ may be cited as the "Revised Florida Arbitration Code."

Section 2. Section 682.011, Florida Statutes, is created to read:

682.011 Definitions.—As used in this chapter, the term:

(1) "Arbitration organization" means an association, agency, board, commission, or other entity that is neutral and initiates, sponsors, or administers an arbitration proceeding or is involved in the appointment of an arbitrator.

(2) "Arbitrator" means an individual appointed to render an award, alone or with others, in a controversy that is subject to an agreement to arbitrate.

(3) "Court" means a court of competent jurisdiction in this state.

(4) "Knowledge" means actual knowledge.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

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195 (6) "Record" means information that is inscribed on a
196 tangible medium or that is stored in an electronic or other
197 medium and is retrievable in perceivable form.

198 Section 3. Section 682.012, Florida Statutes, is created
199 to read:

200 682.012 Notice.-

201 (1) Except as otherwise provided in the Revised Florida
202 Arbitration Code, a person gives notice to another person by
203 taking action that is reasonably necessary to inform the other
204 person in ordinary course, whether or not the other person
205 acquires knowledge of the notice.

206 (2) A person has notice if the person has knowledge of the
207 notice or has received notice.

208 (3) A person receives notice when it comes to the person's
209 attention or the notice is delivered at the person's place of
210 residence or place of business, or at another location held out
211 by the person as a place of delivery of such communications.

212 Section 4. Section 682.013, Florida Statutes, is created
213 to read:

214 682.013 Applicability of revised code.-

215 (1) The Revised Florida Arbitration Code governs an
216 agreement to arbitrate made on or after the effective date of
217 this act.

218 (2) The Revised Florida Arbitration Code governs an
219 agreement to arbitrate made before the effective date of this
220 act if all the parties to the agreement or to the arbitration
221 proceeding so agree in a record.

222 (3) Beginning July 1, 2015, the Revised Florida
 223 Arbitration Code governs an agreement to arbitrate whenever
 224 made.

225 Section 5. Section 682.014, Florida Statutes, is created
 226 to read:

227 682.014 Effect of agreement to arbitrate; nonwaivable
 228 provisions.—

229 (1) Except as otherwise provided in subsections (2) and
 230 (3), a party to an agreement to arbitrate or to an arbitration
 231 proceeding may waive, or the parties may vary the effect of, the
 232 requirements of the Revised Florida Arbitration Code to the
 233 extent permitted by law.

234 (2) Before a controversy arises that is subject to an
 235 agreement to arbitrate, a party to the agreement may not:

236 (a) Waive or agree to vary the effect of the requirements
 237 of s. 682.015(1), s. 682.02(1), s. 682.031, s. 682.08(1) or (2),
 238 s. 682.181, or s. 682.20;

239 (b) Agree to unreasonably restrict the right under s.
 240 682.032 to notice of the initiation of an arbitration
 241 proceeding;

242 (c) Agree to unreasonably restrict the right under s.
 243 682.041 to disclosure of any facts by a neutral arbitrator; or

244 (d) Waive the right under s. 682.07 of a party to an
 245 agreement to arbitrate to be represented by an attorney at any
 246 proceeding or hearing under the Revised Florida Arbitration
 247 Code, but an employer and a labor organization may waive the
 248 right to representation by an attorney in a labor arbitration.

249 (3) A party to an agreement to arbitrate or arbitration
 250 proceeding may not waive, or the parties may not vary the effect
 251 of, the requirements in this section or s. 682.013(1) or (3), s.
 252 682.03, s. 682.051, s. 682.081, s. 682.10(4) or (5), s. 682.12,
 253 s. 682.13, s. 682.14, s. 682.15(1) or (2), s. 682.23, s. 682.24,
 254 or s. 682.25.

255 Section 6. Section 682.015, Florida Statutes, is created
 256 to read:

257 682.015 Petition for judicial relief.—

258 (1) Except as otherwise provided in s. 682.20, a petition
 259 for judicial relief under this chapter must be made to the court
 260 and heard in the manner provided by law or rule of court for
 261 making and hearing motions.

262 (2) Unless a civil action involving the agreement to
 263 arbitrate is pending, notice of an initial petition to the court
 264 under this chapter must be served in the manner provided by law
 265 for the service of a summons in a civil action. Otherwise,
 266 notice of the motion must be given in the manner provided by law
 267 or rule of court for serving motions in pending cases.

268 Section 7. Section 682.02, Florida Statutes, is amended to
 269 read:

270 682.02 Arbitration agreements made valid, irrevocable, and
 271 enforceable; scope.—

272 (1) An agreement contained in a record to submit to
 273 arbitration any existing or subsequent controversy arising
 274 between the parties to the agreement is valid, enforceable, and
 275 irrevocable except upon a ground that exists at law or in equity
 276 for the revocation of a contract.

277 (2) The court shall decide whether an agreement to
 278 arbitrate exists or a controversy is subject to an agreement to
 279 arbitrate.

280 (3) An arbitrator shall decide whether a condition
 281 precedent to arbitrability has been fulfilled and whether a
 282 contract containing a valid agreement to arbitrate is
 283 enforceable.

284 (4) If a party to a judicial proceeding challenges the
 285 existence of, or claims that a controversy is not subject to, an
 286 agreement to arbitrate, the arbitration proceeding may continue
 287 pending final resolution of the issue by the court, unless the
 288 court otherwise orders.

289 ~~(5) Two or more parties may agree in writing to submit to~~
 290 ~~arbitration any controversy existing between them at the time of~~
 291 ~~the agreement, or they may include in a written contract a~~
 292 ~~provision for the settlement by arbitration of any controversy~~
 293 ~~thereafter arising between them relating to such contract or the~~
 294 ~~failure or refusal to perform the whole or any part thereof.~~
 295 This section also applies to written interlocal agreements under
 296 ss. 163.01 and 373.713 in which two or more parties agree to
 297 submit to arbitration any controversy between them concerning
 298 water use permit motions ~~applications~~ and other matters,
 299 regardless of whether or not the water management district with
 300 jurisdiction over the subject motion ~~application~~ is a party to
 301 the interlocal agreement or a participant in the arbitration.
 302 ~~Such agreement or provision shall be valid, enforceable, and~~
 303 ~~irrevocable without regard to the justiciable character of the~~
 304 ~~controversy; provided that this act shall not apply to any such~~

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305 ~~agreement or provision to arbitrate in which it is stipulated~~
306 ~~that this law shall not apply or to any arbitration or award~~
307 ~~thereunder.~~

308 Section 8. Section 682.03, Florida Statutes, is amended to
309 read:

310 682.03 Proceedings to compel and to stay arbitration.—

311 (1) On motion of a person showing an agreement to
312 arbitrate and alleging another person's refusal to arbitrate
313 pursuant to the agreement:

314 (a) If the refusing party does not appear or does not
315 oppose the motion, the court shall order the parties to
316 arbitrate.

317 (b) If the refusing party opposes the motion, the court
318 shall proceed summarily to decide the issue and order the
319 parties to arbitrate unless it finds that there is no
320 enforceable agreement to arbitrate ~~A party to an agreement or~~
321 ~~provision for arbitration subject to this law claiming the~~
322 ~~neglect or refusal of another party thereto to comply therewith~~
323 ~~may make application to the court for an order directing the~~
324 ~~parties to proceed with arbitration in accordance with the terms~~
325 ~~thereof. If the court is satisfied that no substantial issue~~
326 ~~exists as to the making of the agreement or provision, it shall~~
327 ~~grant the application. If the court shall find that a~~
328 ~~substantial issue is raised as to the making of the agreement or~~
329 ~~provision, it shall summarily hear and determine the issue and,~~
330 ~~according to its determination, shall grant or deny the~~
331 ~~application.~~

332 (2) On motion of a person alleging that an arbitration

333 proceeding has been initiated or threatened but that there is no
 334 agreement to arbitrate, the court shall proceed summarily to
 335 decide the issue. If the court finds that there is an
 336 enforceable agreement to arbitrate, it shall order the parties
 337 to arbitrate ~~If an issue referable to arbitration under an~~
 338 ~~agreement or provision for arbitration subject to this law~~
 339 ~~becomes involved in an action or proceeding pending in a court~~
 340 ~~having jurisdiction to hear an application under subsection (1),~~
 341 ~~such application shall be made in said court. Otherwise and~~
 342 ~~subject to s. 682.19, such application may be made in any court~~
 343 ~~of competent jurisdiction.~~

344 (3) If the court finds that there is no enforceable
 345 agreement to arbitrate, it may not order the parties to
 346 arbitrate pursuant to subsection (1) or subsection (2) ~~Any~~
 347 ~~action or proceeding involving an issue subject to arbitration~~
 348 ~~under this law shall be stayed if an order for arbitration or an~~
 349 ~~application therefor has been made under this section or, if the~~
 350 ~~issue is severable, the stay may be with respect thereto only.~~
 351 ~~When the application is made in such action or proceeding, the~~
 352 ~~order for arbitration shall include such stay.~~

353 (4) The court may not refuse to order arbitration because
 354 the claim subject to arbitration lacks merit or grounds for the
 355 claim have not been established ~~On application the court may~~
 356 ~~stay an arbitration proceeding commenced or about to be~~
 357 ~~commenced, if it shall find that no agreement or provision for~~
 358 ~~arbitration subject to this law exists between the party making~~
 359 ~~the application and the party causing the arbitration to be had.~~
 360 ~~The court shall summarily hear and determine the issue of the~~

361 ~~making of the agreement or provision and, according to its~~
 362 ~~determination, shall grant or deny the application.~~

363 (5) If a proceeding involving a claim referable to
 364 arbitration under an alleged agreement to arbitrate is pending
 365 in court, a motion under this section must be made in that
 366 court. Otherwise, a motion under this section may be made in any
 367 court as provided in s. 682.19 ~~An order for arbitration shall~~
 368 ~~not be refused on the ground that the claim in issue lacks merit~~
 369 ~~or bona fides or because any fault or grounds for the claim~~
 370 ~~sought to be arbitrated have not been shown.~~

371 (6) If a party makes a motion to the court to order
 372 arbitration, the court on just terms shall stay any judicial
 373 proceeding that involves a claim alleged to be subject to the
 374 arbitration until the court renders a final decision under this
 375 section.

376 (7) If the court orders arbitration, the court on just
 377 terms shall stay any judicial proceeding that involves a claim
 378 subject to the arbitration. If a claim subject to the
 379 arbitration is severable, the court may limit the stay to that
 380 claim.

381 Section 9. Section 682.031, Florida Statutes, is created
 382 to read:

383 682.031 Provisional remedies.—

384 (1) Before an arbitrator is appointed and is authorized
 385 and able to act, the court, upon motion of a party to an
 386 arbitration proceeding and for good cause shown, may enter an
 387 order for provisional remedies to protect the effectiveness of
 388 the arbitration proceeding to the same extent and under the same

389 conditions as if the controversy were the subject of a civil
 390 action.

391 (2) After an arbitrator is appointed and is authorized and
 392 able to act:

393 (a) The arbitrator may issue such orders for provisional
 394 remedies, including interim awards, as the arbitrator finds
 395 necessary to protect the effectiveness of the arbitration
 396 proceeding and to promote the fair and expeditious resolution of
 397 the controversy, to the same extent and under the same
 398 conditions as if the controversy were the subject of a civil
 399 action.

400 (b) A party to an arbitration proceeding may move the
 401 court for a provisional remedy only if the matter is urgent and
 402 the arbitrator is not able to act timely or the arbitrator
 403 cannot provide an adequate remedy.

404 (3) A party does not waive a right of arbitration by
 405 making a motion under this section.

406 Section 10. Section 682.032, Florida Statutes, is created
 407 to read:

408 682.032 Initiation of arbitration.—

409 (1) A person initiates an arbitration proceeding by giving
 410 notice in a record to the other parties to the agreement to
 411 arbitrate in the agreed manner between the parties or, in the
 412 absence of agreement, by certified or registered mail, return
 413 receipt requested and obtained, or by service as authorized for
 414 the commencement of a civil action. The notice must describe the
 415 nature of the controversy and the remedy sought.

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416 (2) Unless a person objects for lack or insufficiency of
417 notice under s. 682.06(3) not later than the beginning of the
418 arbitration hearing, the person by appearing at the hearing
419 waives any objection to lack of or insufficiency of notice.

420 Section 11. Section 682.033, Florida Statutes, is created
421 to read:

422 682.033 Consolidation of separate arbitration
423 proceedings.-

424 (1) Except as otherwise provided in subsection (3), upon
425 motion of a party to an agreement to arbitrate or to an
426 arbitration proceeding, the court may order consolidation of
427 separate arbitration proceedings as to all or some of the claims
428 if:

429 (a) There are separate agreements to arbitrate or separate
430 arbitration proceedings between the same persons or one of them
431 is a party to a separate agreement to arbitrate or a separate
432 arbitration proceeding with a third person;

433 (b) The claims subject to the agreements to arbitrate
434 arise in substantial part from the same transaction or series of
435 related transactions;

436 (c) The existence of a common issue of law or fact creates
437 the possibility of conflicting decisions in the separate
438 arbitration proceedings; and

439 (d) Prejudice resulting from a failure to consolidate is
440 not outweighed by the risk of undue delay or prejudice to the
441 rights of or hardship to parties opposing consolidation.

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442 (2) The court may order consolidation of separate
443 arbitration proceedings as to some claims and allow other claims
444 to be resolved in separate arbitration proceedings.

445 (3) The court may not order consolidation of the claims of
446 a party to an agreement to arbitrate if the agreement prohibits
447 consolidation.

448 Section 12. Section 682.04, Florida Statutes, is amended
449 to read:

450 682.04 Appointment of arbitrators by court.—

451 (1) If the parties to an agreement to arbitrate agree on
452 ~~or provision for arbitration subject to this law provides a~~
453 ~~method for appointing the appointment of arbitrators or an~~
454 ~~umpire, this method must shall be followed, unless the method~~
455 ~~fails.~~

456 (2) The court, on application of a party to an arbitration
457 agreement, shall appoint one or more arbitrators, if:

458 (a) The parties have not agreed on a method;

459 (b) The agreed method fails;

460 (c) One or more of the parties failed to respond to the
461 demand for arbitration; or

462 (d) An arbitrator fails to act and a successor has not
463 been appointed.

464 (3) In the absence thereof, or if the agreed method fails
465 ~~or for any reason cannot be followed, or if an arbitrator or~~
466 ~~umpire who has been appointed fails to act and his or her~~
467 ~~successor has not been duly appointed, the court, on application~~
468 ~~of a party to such agreement or provision shall appoint one or~~
469 ~~more arbitrators or an umpire. An arbitrator or umpire so~~

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470 appointed has all the ~~shall have like~~ powers of an arbitrator
471 designated as if named or provided for in the agreement to
472 arbitrate appointed pursuant to the agreed method ~~or provision.~~

473 (4) An individual who has a known, direct, and material
474 interest in the outcome of the arbitration proceeding or a
475 known, existing, and substantial relationship with a party may
476 not serve as an arbitrator required by an agreement to be
477 neutral.

478 Section 13. Section 682.041, Florida Statutes, is created
479 to read:

480 682.041 Disclosure by arbitrator.—

481 (1) Before accepting appointment, an individual who is
482 requested to serve as an arbitrator, after making a reasonable
483 inquiry, shall disclose to all parties to the agreement to
484 arbitrate and arbitration proceeding and to any other
485 arbitrators any known facts that a reasonable person would
486 consider likely to affect the person's impartiality as an
487 arbitrator in the arbitration proceeding, including:

488 (a) A financial or personal interest in the outcome of the
489 arbitration proceeding.

490 (b) An existing or past relationship with any of the
491 parties to the agreement to arbitrate or the arbitration
492 proceeding, their counsel or representative, a witness, or
493 another arbitrator.

494 (2) An arbitrator has a continuing obligation to disclose
495 to all parties to the agreement to arbitrate and arbitration
496 proceeding and to any other arbitrators any facts that the
497 arbitrator learns after accepting appointment that a reasonable

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498 person would consider likely to affect the impartiality of the
499 arbitrator.

500 (3) If an arbitrator discloses a fact required by
501 subsection (1) or subsection (2) to be disclosed and a party
502 timely objects to the appointment or continued service of the
503 arbitrator based upon the fact disclosed, the objection may be a
504 ground under s. 682.13(1)(b) for vacating an award made by the
505 arbitrator.

506 (4) If the arbitrator did not disclose a fact as required
507 by subsection (1) or subsection (2), upon timely objection by a
508 party, the court may vacate an award under s. 682.13(1)(b).

509 (5) An arbitrator appointed as a neutral arbitrator who
510 does not disclose a known, direct, and material interest in the
511 outcome of the arbitration proceeding or a known, existing, and
512 substantial relationship with a party is presumed to act with
513 evident partiality under s. 682.13(1)(b).

514 (6) If the parties to an arbitration proceeding agree to
515 the procedures of an arbitration organization or any other
516 procedures for challenges to arbitrators before an award is
517 made, substantial compliance with those procedures is a
518 condition precedent to a motion to vacate an award on that
519 ground under s. 682.13(1)(b).

520 Section 14. Section 682.05, Florida Statutes, is amended
521 to read:

522 682.05 Majority action by arbitrators.—If there is more
523 than one arbitrator, the powers of an arbitrator must be
524 exercised by a majority of the arbitrators, but all of the
525 arbitrators shall conduct the hearing under s. 682.06(3) ~~The~~

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526 ~~powers of the arbitrators may be exercised by a majority of~~
527 ~~their number unless otherwise provided in the agreement or~~
528 ~~provision for arbitration.~~

529 Section 15. Section 682.051, Florida Statutes, is created
530 to read:

531 682.051 Immunity of arbitrator; competency to testify;
532 attorney fees and costs.—

533 (1) An arbitrator or an arbitration organization acting in
534 the capacity of an arbitrator is immune from civil liability to
535 the same extent as a judge of a court of this state acting in a
536 judicial capacity.

537 (2) The immunity afforded under this section supplements
538 any immunity under other law.

539 (3) The failure of an arbitrator to make a disclosure
540 required by s. 682.041 does not cause any loss of immunity under
541 this section.

542 (4) In a judicial, administrative, or similar proceeding,
543 an arbitrator or representative of an arbitration organization
544 is not competent to testify, and may not be required to produce
545 records as to any statement, conduct, decision, or ruling
546 occurring during the arbitration proceeding, to the same extent
547 as a judge of a court of this state acting in a judicial
548 capacity. This subsection does not apply:

549 (a) To the extent necessary to determine the claim of an
550 arbitrator, arbitration organization, or representative of the
551 arbitration organization against a party to the arbitration
552 proceeding; or

553 (b) To a hearing on a motion to vacate an award under s.
 554 682.13(1)(a) or (b) if the movant establishes prima facie that a
 555 ground for vacating the award exists.

556 (5) If a person commences a civil action against an
 557 arbitrator, arbitration organization, or representative of an
 558 arbitration organization arising from the services of the
 559 arbitrator, organization, or representative or if a person seeks
 560 to compel an arbitrator or a representative of an arbitration
 561 organization to testify or produce records in violation of
 562 subsection (4), and the court decides that the arbitrator,
 563 arbitration organization, or representative of an arbitration
 564 organization is immune from civil liability or that the
 565 arbitrator or representative of the organization is not
 566 competent to testify, the court shall award to the arbitrator,
 567 organization, or representative reasonable attorney fees and
 568 other reasonable expenses of litigation.

569 Section 16. Section 682.06, Florida Statutes, is amended
 570 to read:

571 682.06 Hearing.—

572 (1) An arbitrator may conduct an arbitration in such
 573 manner as the arbitrator considers appropriate for a fair and
 574 expeditious disposition of the proceeding. The arbitrator's
 575 authority includes the power to hold conferences with the
 576 parties to the arbitration proceeding before the hearing and,
 577 among other matters, determine the admissibility, relevance,
 578 materiality, and weight of any evidence ~~Unless otherwise~~
 579 ~~provided by the agreement or provision for arbitration:~~

580 ~~(1)(a) The arbitrators shall appoint a time and place for~~

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581 ~~the hearing and cause notification to the parties to be served~~
582 ~~personally or by registered or certified mail not less than 5~~
583 ~~days before the hearing. Appearance at the hearing waives a~~
584 ~~party's right to such notice. The arbitrators may adjourn their~~
585 ~~hearing from time to time upon their own motion and shall do so~~
586 ~~upon the request of any party to the arbitration for good cause~~
587 ~~shown, provided that no adjournment or postponement of their~~
588 ~~hearing shall extend beyond the date fixed in the agreement or~~
589 ~~provision for making the award unless the parties consent to a~~
590 ~~later date. An umpire authorized to hear and decide the cause~~
591 ~~upon failure of the arbitrators to agree upon an award shall, in~~
592 ~~the course of his or her jurisdiction, have like powers and be~~
593 ~~subject to like limitations thereon.~~

594 ~~(b) The arbitrators, or umpire in the course of his or her~~
595 ~~jurisdiction, may hear and decide the controversy upon the~~
596 ~~evidence produced notwithstanding the failure or refusal of a~~
597 ~~party duly notified of the time and place of the hearing to~~
598 ~~appear. The court on application may direct the arbitrators, or~~
599 ~~the umpire in the course of his or her jurisdiction, to proceed~~
600 ~~promptly with the hearing and making of the award.~~

601 (2) An arbitrator may decide a request for summary
602 disposition of a claim or particular issue:

603 (a) If all interested parties agree; or

604 (b) Upon request of one party to the arbitration
605 proceeding, if that party gives notice to all other parties to
606 the proceeding and the other parties have a reasonable
607 opportunity to respond ~~The parties are entitled to be heard, to~~
608 ~~present evidence material to the controversy and to cross-~~

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609 ~~examine witnesses appearing at the hearing.~~

610 (3) If an arbitrator orders a hearing, the arbitrator

611 shall set a time and place and give notice of the hearing not

612 less than 5 days before the hearing begins. Unless a party to

613 the arbitration proceeding makes an objection to lack or

614 insufficiency of notice not later than the beginning of the

615 hearing, the party's appearance at the hearing waives the

616 objection. Upon request of a party to the arbitration proceeding

617 and for good cause shown, or upon the arbitrator's own

618 initiative, the arbitrator may adjourn the hearing from time to

619 time as necessary but may not postpone the hearing to a time

620 later than that fixed by the agreement to arbitrate for making

621 the award unless the parties to the arbitration proceeding

622 consent to a later date. The arbitrator may hear and decide the

623 controversy upon the evidence produced although a party who was

624 duly notified of the arbitration proceeding did not appear. The

625 court, on request, may direct the arbitrator to conduct the

626 hearing promptly and render a timely decision ~~The hearing shall~~

627 ~~be conducted by all of the arbitrators but a majority may~~

628 ~~determine any question and render a final award. An umpire~~

629 ~~authorized to hear and decide the cause upon the failure of the~~

630 ~~arbitrators to agree upon an award shall sit with the~~

631 ~~arbitrators throughout their hearing but shall not be counted as~~

632 ~~a part of their quorum or in the making of their award. If,~~

633 ~~during the course of the hearing, an arbitrator for any reason~~

634 ~~ceases to act, the remaining arbitrator, arbitrators or umpire~~

635 ~~appointed to act as neutrals may continue with the hearing and~~

636 ~~determination of the controversy.~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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637 (4) At a hearing under subsection (3), a party to the
 638 arbitration proceeding has a right to be heard, to present
 639 evidence material to the controversy, and to cross-examine
 640 witnesses appearing at the hearing.

641 (5) If an arbitrator ceases or is unable to act during the
 642 arbitration proceeding, a replacement arbitrator must be
 643 appointed in accordance with s. 682.04 to continue the
 644 proceeding and to resolve the controversy.

645 Section 17. Section 682.07, Florida Statutes, is amended
 646 to read:

647 682.07 Representation by attorney.—A party to an
 648 arbitration proceeding may ~~has the right to~~ be represented by an
 649 attorney ~~at any arbitration proceeding or hearing under this~~
 650 ~~law. A waiver thereof prior to the proceeding or hearing is~~
 651 ~~ineffective.~~

652 Section 18. Section 682.08, Florida Statutes, is amended
 653 to read:

654 682.08 Witnesses, subpoenas, depositions.—

655 (1) An arbitrator may issue a subpoena for the attendance
 656 of a witness and for the production of records and other
 657 evidence at any hearing and may administer oaths. A subpoena
 658 must be served in the manner for service of subpoenas in a civil
 659 action and, upon motion to the court by a party to the
 660 arbitration proceeding or the arbitrator, enforced in the manner
 661 for enforcement of subpoenas in a civil action ~~Arbitrators, or~~
 662 ~~an umpire authorized to hear and decide the cause upon failure~~
 663 ~~of the arbitrators to agree upon an award, in the course of her~~
 664 ~~or his jurisdiction, may issue subpoenas for the attendance of~~

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665 ~~witnesses and for the production of books, records, documents~~
666 ~~and other evidence, and shall have the power to administer~~
667 ~~oaths. Subpoenas so issued shall be served, and upon application~~
668 ~~to the court by a party to the arbitration or the arbitrators,~~
669 ~~or the umpire, enforced in the manner provided by law for the~~
670 ~~service and enforcement of subpoenas in a civil action.~~

671 (2) In order to make the proceedings fair, expeditious,
672 and cost effective, upon request of a party to, or a witness in,
673 an arbitration proceeding, an arbitrator may permit a deposition
674 of any witness to be taken for use as evidence at the hearing,
675 including a witness who cannot be subpoenaed for or is unable to
676 attend a hearing. The arbitrator shall determine the conditions
677 under which the deposition is taken ~~On application of a party to~~
678 ~~the arbitration and for use as evidence, the arbitrators, or the~~
679 ~~umpire in the course of her or his jurisdiction, may permit a~~
680 ~~deposition to be taken, in the manner and upon the terms~~
681 ~~designated by them or her or him of a witness who cannot be~~
682 ~~subpoenaed or is unable to attend the hearing.~~

683 (3) An arbitrator may permit such discovery as the
684 arbitrator decides is appropriate in the circumstances, taking
685 into account the needs of the parties to the arbitration
686 proceeding and other affected persons and the desirability of
687 making the proceeding fair, expeditious, and cost effective ~~All~~
688 ~~provisions of law compelling a person under subpoena to testify~~
689 ~~are applicable.~~

690 (4) If an arbitrator permits discovery under subsection
691 (3), the arbitrator may order a party to the arbitration
692 proceeding to comply with the arbitrator's discovery-related

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693 orders, issue subpoenas for the attendance of a witness and for
694 the production of records and other evidence at a discovery
695 proceeding, and take action against a noncomplying party to the
696 extent a court could if the controversy were the subject of a
697 civil action in this state.

698 (5) An arbitrator may issue a protective order to prevent
699 the disclosure of privileged information, confidential
700 information, trade secrets, and other information protected from
701 disclosure to the extent a court could if the controversy were
702 the subject of a civil action in this state.

703 (6) All laws compelling a person under subpoena to testify
704 and all fees for attending a judicial proceeding, a deposition,
705 or a discovery proceeding as a witness apply to an arbitration
706 proceeding as if the controversy were the subject of a civil
707 action in this state.

708 (7) The court may enforce a subpoena or discovery-related
709 order for the attendance of a witness within this state and for
710 the production of records and other evidence issued by an
711 arbitrator in connection with an arbitration proceeding in
712 another state upon conditions determined by the court so as to
713 make the arbitration proceeding fair, expeditious, and cost
714 effective. A subpoena or discovery-related order issued by an
715 arbitrator in another state must be served in the manner
716 provided by law for service of subpoenas in a civil action in
717 this state and, upon motion to the court by a party to the
718 arbitration proceeding or the arbitrator, enforced in the manner
719 provided by law for enforcement of subpoenas in a civil action
720 in this state.

721 ~~(8)~~⁽⁴⁾ Fees for attendance as a witness shall be the same
 722 as for a witness in the circuit court.

723 Section 19. Section 682.081, Florida Statutes, is created
 724 to read:

725 682.081 Judicial enforcement of preaward ruling by
 726 arbitrator.—If an arbitrator makes a preaward ruling in favor of
 727 a party to the arbitration proceeding, the party may request
 728 that the arbitrator incorporate the ruling into an award under
 729 s. 682.12. A prevailing party may make a motion to the court for
 730 an expedited order to confirm the award under s. 682.12, in
 731 which case the court shall summarily decide the motion. The
 732 court shall issue an order to confirm the award unless the court
 733 vacates, modifies, or corrects the award under s. 682.13 or s.
 734 682.14.

735 Section 20. Section 682.09, Florida Statutes, is amended
 736 to read:

737 682.09 Award.—

738 (1) An arbitrator shall make a record of an award. The
 739 record must be signed or otherwise authenticated by any
 740 arbitrator who concurs with the award. The arbitrator or the
 741 arbitration organization shall give notice of the award,
 742 including a copy of the award, to each party to the arbitration
 743 proceeding ~~The award shall be in writing and shall be signed by~~
 744 ~~the arbitrators joining in the award or by the umpire in the~~
 745 ~~course of his or her jurisdiction. They or he or she shall~~
 746 ~~deliver a copy to each party to the arbitration either~~
 747 ~~personally or by registered or certified mail, or as provided in~~
 748 ~~the agreement or provision.~~

749 (2) An award must be made within the time specified by the
 750 agreement to arbitrate or, if not specified therein, within the
 751 time ordered by the court. The court may extend, or the parties
 752 to the arbitration proceeding may agree in a record to extend,
 753 the time. The court or the parties may do so within or after the
 754 time specified or ordered. A party waives any objection that an
 755 award was not timely made unless the party gives notice of the
 756 objection to the arbitrator before receiving notice of the award
 757 ~~An award shall be made within the time fixed therefor by the~~
 758 ~~agreement or provision for arbitration or, if not so fixed,~~
 759 ~~within such time as the court may order on application of a~~
 760 ~~party to the arbitration. The parties may, by written agreement,~~
 761 ~~extend the time either before or after the expiration thereof.~~
 762 ~~Any objection that an award was not made within the time~~
 763 ~~required is waived unless the objecting party notifies the~~
 764 ~~arbitrators or umpire in writing of his or her objection prior~~
 765 ~~to the delivery of the award to him or her.~~

766 Section 21. Section 682.10, Florida Statutes, is amended
 767 to read:

768 682.10 Change of award by arbitrators ~~or umpire.~~

769 (1) On motion to an arbitrator by a party to an
 770 arbitration proceeding, the arbitrator may modify or correct an
 771 award:

772 (a) Upon a ground stated in s. 682.14(1)(a) or (c);

773 (b) Because the arbitrator has not made a final and
 774 definite award upon a claim submitted by the parties to the
 775 arbitration proceeding; or

776 (c) To clarify the award.

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777 (2) A motion under subsection (1) must be made and notice
778 given to all parties within 20 days after the movant receives
779 notice of the award.

780 (3) A party to the arbitration proceeding must give notice
781 of any objection to the motion within 10 days after receipt of
782 the notice.

783 (4) If a motion to the court is pending under s. 682.12,
784 s. 682.13, or s. 682.14, the court may submit the claim to the
785 arbitrator to consider whether to modify or correct the award:

786 (a) Upon a ground stated in s. 682.14(1)(a) or (c);

787 (b) Because the arbitrator has not made a final and
788 definite award upon a claim submitted by the parties to the
789 arbitration proceeding; or

790 (c) To clarify the award.

791 (5) An award modified or corrected pursuant to this
792 section is subject to ss. 682.09(1), 682.12, 682.13, and 682.14
793 ~~On application of a party to the arbitration, or if an~~
794 ~~application to the court is pending under s. 682.12, s. 682.13~~
795 ~~or s. 682.14, on submission to the arbitrators, or to the umpire~~
796 ~~in the case of an umpire's award, by the court under such~~
797 ~~conditions as the court may order, the arbitrators or umpire may~~
798 ~~modify or correct the award upon the grounds stated in s.~~
799 ~~682.14(1)(a) and (c) or for the purpose of clarifying the award.~~
800 ~~The application shall be made within 20 days after delivery of~~
801 ~~the award to the applicant. Written notice thereof shall be~~
802 ~~given forthwith to the other party to the arbitration, stating~~
803 ~~that he or she must serve his or her objections thereto, if any,~~
804 ~~within 10 days from the notice. The award so modified or~~

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805 ~~corrected is subject to the provisions of ss. 682.12-682.14.~~

806 Section 22. Section 682.11, Florida Statutes, is amended
807 to read:

808 682.11 Remedies; fees and expenses of arbitration
809 proceeding.—

810 (1) An arbitrator may award punitive damages or other
811 exemplary relief if such an award is authorized by law in a
812 civil action involving the same claim and the evidence produced
813 at the hearing justifies the award under the legal standards
814 otherwise applicable to the claim.

815 (2) An arbitrator may award reasonable attorney fees and
816 other reasonable expenses of arbitration if such an award is
817 authorized by law in a civil action involving the same claim or
818 by the agreement of the parties to the arbitration proceeding.

819 (3) As to all remedies other than those authorized by
820 subsections (1) and (2), an arbitrator may order such remedies
821 as the arbitrator considers just and appropriate under the
822 circumstances of the arbitration proceeding. The fact that such
823 a remedy could not or would not be granted by the court is not a
824 ground for refusing to confirm an award under s. 682.12 or for
825 vacating an award under s. 682.13.

826 (4) An arbitrator's expenses and fees, together with other
827 expenses, must be paid as provided in the award.

828 (5) If an arbitrator awards punitive damages or other
829 exemplary relief under subsection (1), the arbitrator shall
830 specify in the award the basis in fact justifying and the basis
831 in law authorizing the award and state separately the amount of
832 the punitive damages or other exemplary relief ~~Unless otherwise~~

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833 ~~provided in the agreement or provision for arbitration, the~~
 834 ~~arbitrators' and umpire's expenses and fees, together with other~~
 835 ~~expenses, not including counsel fees, incurred in the conduct of~~
 836 ~~the arbitration, shall be paid as provided in the award.~~

837 Section 23. Section 682.12, Florida Statutes, is amended
 838 to read:

839 682.12 Confirmation of an award.—After a party to an
 840 arbitration proceeding receives notice of an award, the party
 841 may make a motion to the court for an order confirming the award
 842 at which time the court shall issue a confirming order unless
 843 the award is modified or corrected pursuant to s. 682.10 or s.
 844 682.14 or is vacated pursuant to s. 682.13 ~~Upon application of a~~
 845 ~~party to the arbitration, the court shall confirm an award,~~
 846 ~~unless within the time limits hereinafter imposed grounds are~~
 847 ~~urged for vacating or modifying or correcting the award, in~~
 848 ~~which case the court shall proceed as provided in ss. 682.13 and~~
 849 ~~682.14.~~

850 Section 24. Section 682.13, Florida Statutes, is amended
 851 to read:

852 682.13 Vacating an award.—

853 (1) Upon motion application of a party to an arbitration
 854 proceeding, the court shall vacate an arbitration award if when:

855 (a) The award was procured by corruption, fraud, or other
 856 undue means;—

857 (b) There was:

858 1. Evident partiality by an arbitrator appointed as a
 859 neutral arbitrator;

860 2. Corruption by an arbitrator; or

861 3. Misconduct by an arbitrator prejudicing the rights of a
 862 party to the arbitration proceeding; ~~or corruption in any of the~~
 863 ~~arbitrators or umpire or misconduct prejudicing the rights of~~
 864 ~~any party.~~

865 (c) An arbitrator refused to postpone the hearing upon
 866 showing of sufficient cause for postponement, refused to
 867 consider evidence material to the controversy, or otherwise
 868 conducted the hearing contrary to s. 682.06, so as to prejudice
 869 substantially the rights of a party to the arbitration
 870 proceeding; ~~The arbitrators or the umpire in the course of her~~
 871 ~~or his jurisdiction exceeded their powers.~~

872 (d) An arbitrator exceeded the arbitrator's powers; ~~The~~
 873 ~~arbitrators or the umpire in the course of her or his~~
 874 ~~jurisdiction refused to postpone the hearing upon sufficient~~
 875 ~~cause being shown therefor or refused to hear evidence material~~
 876 ~~to the controversy or otherwise so conducted the hearing,~~
 877 ~~contrary to the provisions of s. 682.06, as to prejudice~~
 878 ~~substantially the rights of a party.~~

879 (e) There was no agreement to arbitrate, unless the person
 880 participated in the arbitration proceeding without raising the
 881 objection under s. 682.06(3) not later than the beginning of the
 882 arbitration hearing; ~~There was no agreement or provision for~~
 883 ~~arbitration subject to this law, unless the matter was~~
 884 ~~determined in proceedings under s. 682.03 and unless the party~~
 885 ~~participated in the arbitration hearing without raising the~~
 886 ~~objection.~~

887 (f) The arbitration was conducted without proper notice of
 888 the initiation of an arbitration as required in s. 682.032 so as

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889 to prejudice substantially the rights of a party to the
890 arbitration proceeding

891
892 ~~But the fact that the relief was such that it could not or would~~
893 ~~not be granted by a court of law or equity is not ground for~~
894 ~~vacating or refusing to confirm the award.~~

895 (2) A motion under this section must be filed within 90
896 days after the movant receives notice of the award pursuant to
897 s. 682.09 or within 90 days after the movant receives notice of
898 a modified or corrected award pursuant to s. 682.10, unless the
899 movant alleges that the award was procured by corruption, fraud,
900 or other undue means, in which case the motion must be made
901 within 90 days after the ground is known or by the exercise of
902 reasonable care would have been known by the movant ~~An~~
903 ~~application under this section shall be made within 90 days~~
904 ~~after delivery of a copy of the award to the applicant, except~~
905 ~~that, if predicated upon corruption, fraud or other undue means,~~
906 ~~it shall be made within 90 days after such grounds are known or~~
907 ~~should have been known.~~

908 (3) If the court vacates an award on a ground other than
909 that set forth in paragraph (1)(e), it may order a rehearing. If
910 the award is vacated on a ground stated in paragraph (1)(a) or
911 paragraph (1)(b), the rehearing must be before a new arbitrator.
912 If the award is vacated on a ground stated in paragraph (1)(c),
913 paragraph (1)(d), or paragraph (1)(f), the rehearing may be
914 before the arbitrator who made the award or the arbitrator's
915 successor. The arbitrator must render the decision in the
916 rehearing within the same time as that provided in s. 682.09(2)

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917 ~~for an award In vacating the award on grounds other than those~~
 918 ~~stated in paragraph (1)(c), the court may order a rehearing~~
 919 ~~before new arbitrators chosen as provided in the agreement or~~
 920 ~~provision for arbitration or by the court in accordance with s.~~
 921 ~~682.04, or, if the award is vacated on grounds set forth in~~
 922 ~~paragraphs (1)(c) and (d), the court may order a rehearing~~
 923 ~~before the arbitrators or umpire who made the award or their~~
 924 ~~successors appointed in accordance with s. 682.04. The time~~
 925 ~~within which the agreement or provision for arbitration requires~~
 926 ~~the award to be made is applicable to the rehearing and~~
 927 ~~commences from the date of the order therefor.~~

928 (4) ~~If a motion the application~~ to vacate is denied and no
 929 motion to modify or correct the award is pending, the court
 930 shall confirm the award.

931 Section 25. Section 682.14, Florida Statutes, is amended
 932 to read:

933 682.14 Modification or correction of award.—

934 (1) Upon motion made within 90 days after the movant
 935 receives notice of the award pursuant to s. 682.09 or within 90
 936 days after the movant receives notice of a modified or corrected
 937 award pursuant to s. 682.10, the court shall modify or correct
 938 the award if ~~Upon application made within 90 days after delivery~~
 939 ~~of a copy of the award to the applicant, the court shall modify~~
 940 ~~or correct the award when:~~

941 (a) There is an evident miscalculation of figures or an
 942 evident mistake in the description of any person, thing, or
 943 property referred to in the award.

944 (b) The arbitrators ~~or umpire~~ have awarded upon a matter

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945 not submitted in the arbitration ~~to them or him or her~~ and the
946 award may be corrected without affecting the merits of the
947 decision upon the issues submitted.

948 (c) The award is imperfect as a matter of form, not
949 affecting the merits of the controversy.

950 (2) If the application is granted, the court shall modify
951 and correct the award ~~so as to effect its intent~~ and shall
952 confirm the award as so modified and corrected. Otherwise,
953 unless a motion to vacate the award under s. 682.13 is pending,
954 the court shall confirm the award as made.

955 (3) An application to modify or correct an award may be
956 joined in the alternative with an application to vacate the
957 award under s. 682.13.

958 Section 26. Section 682.15, Florida Statutes, is amended
959 to read:

960 682.15 Judgment or decree on award.—

961 (1) Upon granting an order confirming, vacating without
962 directing a rehearing, modifying, or correcting an award, the
963 court shall enter a judgment in conformity therewith. The
964 judgment may be recorded, docketed, and enforced as any other
965 judgment in a civil action.

966 (2) A court may allow reasonable costs of the motion and
967 subsequent judicial proceedings.

968 (3) On motion of a prevailing party to a contested
969 judicial proceeding under s. 682.12, s. 682.13, or s. 682.14,
970 the court may add reasonable attorney fees and other reasonable
971 expenses of litigation incurred in a judicial proceeding after
972 the award is made to a judgment confirming, vacating without

973 directing a rehearing, modifying, or correcting an award ~~Upon~~
 974 ~~the granting of an order confirming, modifying or correcting an~~
 975 ~~award, judgment or decree shall be entered in conformity~~
 976 ~~therewith and be enforced as any other judgment or decree. Costs~~
 977 ~~of the application and of the proceedings subsequent thereto,~~
 978 ~~and disbursements may be awarded by the court.~~

979 Section 27. Section 682.16, Florida Statutes, is repealed.

980 Section 28. Section 682.17, Florida Statutes, is repealed.

981 Section 29. Section 682.18, Florida Statutes, is repealed.

982 Section 30. Section 682.181, Florida Statutes, is created
 983 to read:

984 682.181 Jurisdiction.—

985 (1) A court of this state having jurisdiction over the
 986 controversy and the parties may enforce an agreement to
 987 arbitrate.

988 (2) An agreement to arbitrate providing for arbitration in
 989 this state confers exclusive jurisdiction on the court to enter
 990 judgment on an award under the Revised Florida Arbitration Code.

991 Section 31. Section 682.19, Florida Statutes, is amended
 992 to read:

993 682.19 Venue.—A petition pursuant to s. 682.015 must be
 994 filed in the court of the county in which the agreement to
 995 arbitrate specifies the arbitration hearing is to be held or, if
 996 the hearing has been held, in the court of the county in which
 997 it was held. Otherwise, the petition may be made in the court of
 998 any county in which an adverse party resides or has a place of
 999 business or, if no adverse party has a residence or place of
 1000 business in this state, in the court of any county in this

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1001 state. All subsequent petitions must be made in the court
 1002 hearing the initial petition unless the court otherwise directs
 1003 ~~Any application under this law may be made to the court of the~~
 1004 ~~county in which the other party to the agreement or provision~~
 1005 ~~for arbitration resides or has a place of business, or, if she~~
 1006 ~~or he has no residence or place of business in this state, then~~
 1007 ~~to the court of any county. All applications under this law~~
 1008 ~~subsequent to an initial application shall be made to the court~~
 1009 ~~hearing the initial application unless it shall order otherwise.~~

1010 Section 32. Section 682.20, Florida Statutes, is amended
 1011 to read:

1012 682.20 Appeals.—

1013 (1) An appeal may be taken from:

1014 (a) An order denying an application to compel arbitration
 1015 made under s. 682.03.

1016 (b) An order granting a motion ~~an application~~ to stay
 1017 arbitration pursuant to ~~made under~~ s. 682.03(2)-(4).

1018 (c) An order confirming ~~or denying confirmation of~~ an
 1019 award.

1020 (d) An order denying confirmation of an award unless the
 1021 court has entered an order under s. 682.10(4) or s. 682.13. All
 1022 other orders denying confirmation of an award are final orders.

1023 (e)-(d) An order modifying or correcting an award.

1024 (f)-(e) An order vacating an award without directing a
 1025 rehearing.

1026 (g)-(f) A judgment or decree entered pursuant to this
 1027 chapter ~~the provisions of this law.~~

1028 (2) The appeal shall be taken in the manner and to the

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1029 same extent as from orders or judgments in a civil action.

1030 Section 33. Section 682.21, Florida Statutes, is repealed.

1031 Section 34. Section 682.22, Florida Statutes, is repealed.

1032 Section 35. Section 682.23, Florida Statutes, is created
1033 to read:

1034 682.23 Relationship to Electronic Signatures in Global and
1035 National Commerce Act.—The provisions of this chapter governing
1036 the legal effect, validity, and enforceability of electronic
1037 records or electronic signatures and of contracts performed with
1038 the use of such records or signatures conform to the
1039 requirements of s. 102 of the Electronic Signatures in Global
1040 and National Commerce Act, 15 U.S.C. s. 7002.

1041 Section 36. Section 682.24, Florida Statutes, is created
1042 to read:

1043 682.24 Effective date; applicability.—

1044 (1) The Revised Florida Arbitration Code takes effect on
1045 July 1, 2012.

1046 (2) The Revised Florida Arbitration Code does not affect
1047 an action or proceeding commenced or right accrued before the
1048 Revised Florida Arbitration Code takes effect. Subject to s.
1049 682.013, an arbitration agreement made before July 1, 2012, is
1050 governed by the former Florida Arbitration Code.

1051 Section 37. Section 682.25, Florida Statutes, is created
1052 to read:

1053 682.25 Disputes excluded.—The Revised Florida Arbitration
1054 Code does not apply to any dispute involving child custody,
1055 visitation, or child support.

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1056 Section 38. Section 44.104, Florida Statutes, is amended
 1057 to read:

1058 44.104 Voluntary ~~binding arbitration and voluntary~~ trial
 1059 resolution.—

1060 (1) Two or more opposing parties who are involved in a
 1061 civil dispute may agree in writing to submit the controversy to
 1062 ~~voluntary binding arbitration, or voluntary trial resolution, in~~
 1063 lieu of judicial litigation of the issues involved, prior to or
 1064 after a lawsuit has been filed, ~~provided no constitutional issue~~
 1065 ~~is involved.~~

1066 (2) If the parties have entered into an such an agreement
 1067 and the agreement ~~which provides in voluntary binding~~
 1068 ~~arbitration for a method for appointing of one or more~~
 1069 ~~arbitrators, or which provides in voluntary trial resolution a~~
 1070 method for appointing the ~~a member of The Florida Bar in good~~
 1071 ~~standing for more than 5 years to act as~~ trial resolution judge,
 1072 that method shall be followed ~~the court shall proceed with the~~
 1073 ~~appointment as prescribed. However, in voluntary binding~~
 1074 ~~arbitration at least one of the arbitrators, who shall serve as~~
 1075 ~~the chief arbitrator, shall meet the qualifications and training~~
 1076 ~~requirements adopted pursuant to s. 44.106. In the absence of an~~
 1077 agreement on a method for appointing the trial resolution judge,
 1078 or if the agreement method fails or for any reason cannot be
 1079 followed, and the parties fail to agree on the person to serve
 1080 as the trial resolution judge, the court, on application of a
 1081 party, shall appoint ~~one or more qualified arbitrators, or the~~
 1082 trial resolution judge, as the case requires. A trial resolution
 1083 judge must be a member of The Florida Bar in good standing for 5

1084 years or more who has agreed to serve.

1085 (3) The ~~arbitrators or~~ trial resolution judge shall be
 1086 compensated by the parties according to their agreement with the
 1087 trial resolution judge.

1088 (4) Within 10 days after the submission of the request for
 1089 ~~binding arbitration, or~~ voluntary trial resolution, the court
 1090 shall provide for the appointment of the ~~arbitrator or~~
 1091 ~~arbitrators, or~~ trial resolution judge, as the case requires.
 1092 Once appointed, the ~~arbitrators or~~ trial resolution judge shall
 1093 notify the parties of the time and place for the hearing.

1094 (5) Application for ~~voluntary binding arbitration or~~
 1095 voluntary trial resolution shall be filed and fees paid to the
 1096 clerk of court as if for complaints initiating civil actions.
 1097 The clerk of the court shall handle and account for these
 1098 matters in all respects as if they were civil actions, except
 1099 that the clerk of court shall keep separate ~~the records of the~~
 1100 ~~applications for voluntary binding arbitration and~~ the records
 1101 of the applications for voluntary trial resolution from all
 1102 other civil actions.

1103 (6) Filing of the application for ~~binding arbitration or~~
 1104 voluntary trial resolution tolls ~~will toll~~ the running of the
 1105 applicable statutes of limitation.

1106 (7) The ~~chief arbitrator or~~ trial resolution judge may
 1107 administer oaths or affirmations and conduct the proceedings as
 1108 the rules of court shall provide. At the request of any party,
 1109 the ~~chief arbitrator or~~ trial resolution judge shall issue
 1110 subpoenas for the attendance of witnesses and for the production
 1111 of books, records, documents, and other evidence and may apply

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1112 to the court for orders compelling attendance and production.
1113 Subpoenas shall be served and shall be enforceable in the manner
1114 provided by law. The trial resolution judge may order temporary
1115 relief in the same manner, and to the same extent, as in civil
1116 actions generally. Any party may enforce such an order by filing
1117 a petition in the court. Orders entered by the court are
1118 reviewable by the appellate court in the same manner, and to the
1119 same extent, as orders in civil actions generally.

1120 (8) ~~A voluntary binding arbitration hearing shall be~~
1121 ~~conducted by all of the arbitrators, but a majority may~~
1122 ~~determine any question and render a final decision.~~ A trial
1123 resolution judge shall conduct a voluntary trial resolution
1124 hearing. The trial resolution judge may determine any question
1125 and render a final decision.

1126 (9) The Florida Evidence Code and Florida Rules of Civil
1127 Procedure shall apply to all proceedings under this section,
1128 except that voluntary trial resolution is not governed by
1129 procedural rules regulating general and special magistrates, and
1130 rulings of the trial resolution judge are not reviewable by
1131 filing exceptions with the court.

1132 ~~(10) An appeal of a voluntary binding arbitration decision~~
1133 ~~shall be taken to the circuit court and shall be limited to~~
1134 ~~review on the record and not de novo, of:~~

1135 ~~(a) Any alleged failure of the arbitrators to comply with~~
1136 ~~the applicable rules of procedure or evidence.~~

1137 ~~(b) Any alleged partiality or misconduct by an arbitrator~~
1138 ~~prejudicing the rights of any party.~~

1139 ~~(c) Whether the decision reaches a result contrary to the~~

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1140 ~~Constitution of the United States or of the State of Florida.~~
1141 ~~(10)-(11)~~ Any party may enforce a final decision rendered
1142 in a voluntary trial by filing a petition for final judgment in
1143 the circuit court in the circuit in which the voluntary trial
1144 took place. Upon entry of final judgment by the circuit court,
1145 any party may appeal to the appropriate appellate court. The
1146 judgment is reviewable by the appellate court in the same
1147 manner, and to the same extent, as a judgment in a civil action
1148 ~~Factual findings determined in the voluntary trial are not~~
1149 ~~subject to appeal.~~

1150 ~~(12)~~ ~~The harmless error doctrine shall apply in all~~
1151 ~~appeals. No further review shall be permitted unless a~~
1152 ~~constitutional issue is raised.~~

1153 ~~(11)-(13)~~ If no appeal is taken within the time provided by
1154 rules promulgated by the Supreme Court, ~~then~~ the decision shall
1155 be referred to the presiding judge in the case, or if one has
1156 not been assigned, then to the chief judge of the circuit for
1157 assignment to a circuit judge, who shall enter such orders and
1158 judgments as are required to carry out the terms of the
1159 decision. Equitable remedies are, ~~which orders shall be~~
1160 ~~enforceable by the contempt powers of the court~~ to the same
1161 extent as in civil actions generally. When a judgment provides
1162 for execution, and for which judgments execution shall issue on
1163 request of a party.

1164 ~~(12)-(14)~~ This section does ~~shall~~ not apply ~~to any dispute~~
1165 ~~involving child custody, visitation, or child support, or to any~~
1166 ~~dispute~~ that ~~which~~ involves the rights of a third party not a
1167 party to the ~~arbitration or~~ voluntary trial resolution when the

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1168 third party would be an indispensable party if the dispute were
 1169 resolved in court or when the third party notifies ~~the chief~~
 1170 ~~arbitrator~~ or the trial resolution judge that the third party
 1171 would be a proper party if the dispute were resolved in court,
 1172 that the third party intends to intervene in the action in
 1173 court, and that the third party does not agree to proceed under
 1174 this section.

1175 (13) A trial resolution judge does not have jurisdiction
 1176 to declare unconstitutional a statute, ordinance, or provision
 1177 of a constitution. If any such claim is made in the voluntary
 1178 trial resolution proceeding, that claim shall be severed and
 1179 adjudicated by a judge of the court.

1180 (14) (a) The parties may agree to a trial by a privately
 1181 selected jury. The court's jury pool may not be used for this
 1182 purpose. In all other cases, the trial resolution judge shall
 1183 conduct a bench trial.

1184 (b) The trial resolution judge may wear a judicial robe
 1185 and use the title "Trial Resolution Judge" when acting in that
 1186 capacity.

1187 Section 39. Subsection (1) of section 44.107, Florida
 1188 Statutes, is amended to read:

1189 44.107 Immunity for arbitrators, voluntary trial
 1190 resolution judges, mediators, and mediator trainees.-

1191 (1) Arbitrators serving under s. 44.103, voluntary trial
 1192 resolution judges serving under ~~or~~ s. 44.104, mediators serving
 1193 under s. 44.102, and trainees fulfilling the mentorship
 1194 requirements for certification by the Supreme Court as a
 1195 mediator ~~shall~~ have judicial immunity in the same manner and to

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1196 the same extent as a judge and are entitled to the same immunity
 1197 and remedies provided in s. 682.051.

1198 Section 40. Section 440.1926, Florida Statutes, is amended
 1199 to read:

1200 440.1926 Alternate dispute resolution; claim arbitration.-
 1201 Notwithstanding any other provision of this chapter, the
 1202 employer, carrier, and employee may mutually agree to seek
 1203 consent from a judge of compensation claims to enter into
 1204 binding claim arbitration in lieu of any other remedy provided
 1205 for in this chapter to resolve all issues in dispute regarding
 1206 an injury. Arbitrations agreed to pursuant to this section shall
 1207 be governed by chapter 682, the Revised Florida Arbitration
 1208 Code, except that, notwithstanding any provision in chapter 682,
 1209 the term "court" shall mean a judge of compensation claims. An
 1210 arbitration award in accordance with this section is ~~shall be~~
 1211 enforceable in the same manner and with the same powers as any
 1212 final compensation order.

1213 Section 41. Paragraph (a) of subsection (1) of section
 1214 489.1402, Florida Statutes, is amended to read:

1215 489.1402 Homeowners' Construction Recovery Fund;
 1216 definitions.-

1217 (1) The following definitions apply to ss. 489.140-
 1218 489.144:

1219 (a) "Arbitration" means alternative dispute resolution
 1220 entered into between a claimant and a contractor either pursuant
 1221 to a construction contract that contains a mandatory arbitration
 1222 clause or through any binding arbitration under the Revised
 1223 Florida Arbitration Code.

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1224 Section 42. Subsection (2) of section 731.401, Florida
1225 Statutes, is amended to read:

1226 731.401 Arbitration of disputes.—

1227 (2) Unless otherwise specified in the will or trust, a
1228 will or trust provision requiring arbitration shall be presumed
1229 to require voluntary trial resolution ~~binding arbitration~~ under
1230 s. 44.104.

1231 Section 43. The Division of Statutory Revision is directed
1232 to redesignate the title of chapter 44, Florida Statutes, as
1233 "Alternative Dispute Resolution."

1234 Section 44. The Division of Statutory Revision is directed
1235 to replace the phrase "the effective date of this act" wherever
1236 it occurs in this act with the date this act becomes a law.

1237 Section 45. This act shall take effect July 1, 2012.