

By Senator Thrasher

6-00240A-13

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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

6-00240A-13

2013530\_\_

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 who has 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

6-00240A-13

2013530\_\_

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 that capacity; providing that  
68 this immunity is supplemental to any immunity under  
69 other law; providing that failure to make a required  
70 disclosure does not remove immunity; providing that an  
71 arbitrator or representative of an arbitration  
72 organization is not competent to testify and may not  
73 be required to produce records concerning the  
74 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,

6-00240A-13

2013530\_\_

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; providing exceptions; amending  
102 s. 682.09, F.S.; revising provisions relating to the  
103 record needed for an award; revising provisions  
104 relating to the time within which an award must be  
105 made; amending s. 682.10, F.S.; revising provisions  
106 relating to requirements for a motion to modify or  
107 correct an award; amending s. 682.11, F.S.; revising  
108 provisions relating to fees and expenses of  
109 arbitration; authorizing punitive damages and other  
110 exemplary relief and remedies; amending s. 682.12,  
111 F.S.; revising provisions relating to confirmation of  
112 an award; amending s. 682.13, F.S.; revising  
113 provisions relating to grounds for vacating an award;  
114 revising provisions relating to a motion for vacating  
115 an award; providing for a rehearing in certain  
116 circumstances; amending s. 682.14, F.S.; revising

6-00240A-13

2013530\_\_

117 provisions relating to the time for moving to modify  
118 or correct an award; deleting references to the term  
119 "umpire"; revising a provision concerning confirmation  
120 of awards; amending s. 682.15, F.S.; revising  
121 provisions relating to a court order confirming,  
122 vacating without directing a rehearing, modifying, or  
123 correcting an award; providing for award of costs and  
124 attorney fees in certain circumstances; repealing s.  
125 682.16, F.S., relating to judgment roll and docketing  
126 of certain orders; repealing s. 682.17, F.S., relating  
127 to 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 providing for applicability; creating s. 682.25, F.S.;  
144 providing that the revised code does not apply to any  
145 dispute involving child custody, visitation, or child

6-00240A-13

2013530\_\_

146 support; amending ss. 440.1926, 489.1402, and 731.401,  
147 F.S.; conforming cross-references; providing an  
148 effective date.

149

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

151

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

154 682.01 Short title ~~Florida Arbitration Code.~~ —This chapter  
155 ~~Sections 682.01–682.22~~ may be cited as the "Revised Florida  
156 Arbitration Code."

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

159 682.011 Definitions.—As used in this chapter, the term:

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

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

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

169 (4) "Knowledge" means actual knowledge.

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

6-00240A-13

2013530\_\_

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

178       Section 3. Section 682.012, Florida Statutes, is created to  
179 read:

180       682.012 Notice.—

181       (1) Except as otherwise provided in this chapter, a person  
182 gives notice to another person by taking action that is  
183 reasonably necessary to inform the other person in ordinary  
184 course, whether or not the other person acquires knowledge of  
185 the notice.

186       (2) A person has notice if the person has knowledge of the  
187 notice or has received notice.

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

192       Section 4. Section 682.013, Florida Statutes, is created to  
193 read:

194       682.013 Applicability of revised code.—

195       (1) The Revised Florida Arbitration Code governs an  
196 agreement to arbitrate made on or after July 1, 2013.

197       (2) The Revised Florida Arbitration Code governs an  
198 agreement to arbitrate made before July 1, 2013, if all the  
199 parties to the agreement or to the arbitration proceeding so  
200 agree in a record. Otherwise, such agreements shall be governed  
201 by the applicable law existing at the time the parties entered  
202 into the agreement.

203       (3) The Revised Florida Arbitration Code does not affect an

6-00240A-13

2013530\_\_

204 action or proceeding commenced or right accrued before July 1,  
205 2013.

206 (4) Beginning July 1, 2016, an agreement to arbitrate shall  
207 be subject to the then-applicable law governing agreements to  
208 arbitrate.

209 Section 5. Section 682.014, Florida Statutes, is created to  
210 read:

211 682.014 Effect of agreement to arbitrate; nonwaivable  
212 provisions.—

213 (1) Except as otherwise provided in subsections (2) and  
214 (3), a party to an agreement to arbitrate or to an arbitration  
215 proceeding may waive, or the parties may vary the effect of, the  
216 requirements of this chapter to the extent permitted by law.

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

219 (a) Waive or agree to vary the effect of the requirements  
220 of:

221 1. Commencing a petition for judicial relief under s.  
222 682.015(1);

223 2. Making agreements to arbitrate valid, enforceable, and  
224 irrevocable under s. 682.02(1);

225 3. Permitting provisional remedies under s. 682.031;

226 4. Conferring authority on arbitrators to issue subpoenas  
227 and permit depositions under s. 682.08(1) or (2);

228 5. Conferring jurisdiction under s. 682.181; or

229 6. Stating the bases for appeal under s. 682.20;

230 (b) Agree to unreasonably restrict the right under s.  
231 682.032 to notice of the initiation of an arbitration  
232 proceeding;

6-00240A-13

2013530

- 233       (c) Agree to unreasonably restrict the right under s.  
234 682.041 to disclosure of any facts by a neutral arbitrator; or  
235       (d) Waive the right under s. 682.07 of a party to an  
236 agreement to arbitrate to be represented by an attorney at any  
237 proceeding or hearing under this chapter, but an employer and a  
238 labor organization may waive the right to representation by an  
239 attorney in a labor arbitration.
- 240       (3) A party to an agreement to arbitrate or arbitration  
241 proceeding may not waive, or the parties may not vary the effect  
242 of, the requirements in this section or:
- 243       (a) The applicability of this chapter, the Revised Florida  
244 Arbitration Code, under s. 682.013(1) or (4);
- 245       (b) The availability of proceedings to compel or stay  
246 arbitration under s. 682.03;
- 247       (c) The immunity conferred on arbitrators and arbitration  
248 organizations under s. 682.051;
- 249       (d) A party's right to seek judicial enforcement of an  
250 arbitration preaward ruling under s. 682.081;
- 251       (e) The authority conferred on an arbitrator to change an  
252 award under s. 682.10(4) or (5);
- 253       (f) The remedies provided under s. 682.12;
- 254       (g) The grounds for vacating an arbitration award under s.  
255 682.13;
- 256       (h) The grounds for modifying an arbitration award under s.  
257 682.14;
- 258       (i) The validity and enforceability of a judgment or decree  
259 based on an award under s. 682.15(1) or (2);
- 260       (j) The validity of the Electronic Signatures in Global and  
261 National Commerce Act under s. 682.23; or

6-00240A-13

2013530\_\_

262       (k) The excluded disputes involving child custody,  
263 visitation, or child support under s. 682.25.

264       Section 6. Section 682.015, Florida Statutes, is created to  
265 read:

266       682.015 Petition for judicial relief.-

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

271       (2) Unless a civil action involving the agreement to  
272 arbitrate is pending, notice of an initial petition to the court  
273 under this chapter must be served in the manner provided by law  
274 for the service of a summons in a civil action. Otherwise,  
275 notice of the motion must be given in the manner provided by law  
276 or rule of court for serving motions in pending cases.

277       Section 7. Section 682.02, Florida Statutes, is amended to  
278 read:

279       682.02 Arbitration agreements made valid, irrevocable, and  
280 enforceable; scope.-

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

286       (2) The court shall decide whether an agreement to  
287 arbitrate exists or a controversy is subject to an agreement to  
288 arbitrate.

289       (3) An arbitrator shall decide whether a condition  
290 precedent to arbitrability has been fulfilled and whether a

6-00240A-13

2013530\_\_

291 contract containing a valid agreement to arbitrate is  
292 enforceable.

293 (4) If a party to a judicial proceeding challenges the  
294 existence of, or claims that a controversy is not subject to, an  
295 agreement to arbitrate, the arbitration proceeding may continue  
296 pending final resolution of the issue by the court, unless the  
297 court otherwise orders.

298 ~~(5) Two or more parties may agree in writing to submit to~~  
299 ~~arbitration any controversy existing between them at the time of~~  
300 ~~the agreement, or they may include in a written contract a~~  
301 ~~provision for the settlement by arbitration of any controversy~~  
302 ~~thereafter arising between them relating to such contract or the~~  
303 ~~failure or refusal to perform the whole or any part thereof.~~

304 This section also applies to written interlocal agreements under  
305 ss. 163.01 and 373.713 in which two or more parties agree to  
306 submit to arbitration any controversy between them concerning  
307 water use permit motions ~~applications~~ and other matters,  
308 regardless of whether or not the water management district with  
309 jurisdiction over the subject motion ~~application~~ is a party to  
310 the interlocal agreement or a participant in the arbitration.  
311 ~~Such agreement or provision shall be valid, enforceable, and~~  
312 ~~irrevocable without regard to the justiciable character of the~~  
313 ~~controversy; provided that this act shall not apply to any such~~  
314 ~~agreement or provision to arbitrate in which it is stipulated~~  
315 ~~that this law shall not apply or to any arbitration or award~~  
316 ~~thereunder.~~

317 Section 8. Section 682.03, Florida Statutes, is amended to  
318 read:

319 682.03 Proceedings to compel and to stay arbitration.-

6-00240A-13

2013530\_\_

320           (1) On motion of a person showing an agreement to arbitrate  
321 and alleging another person's refusal to arbitrate pursuant to  
322 the agreement:

323           (a) If the refusing party does not appear or does not  
324 oppose the motion, the court shall order the parties to  
325 arbitrate.

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

341           (2) On motion of a person alleging that an arbitration  
342 proceeding has been initiated or threatened but that there is no  
343 agreement to arbitrate, the court shall proceed summarily to  
344 decide the issue. If the court finds that there is an  
345 enforceable agreement to arbitrate, it shall order the parties  
346 to arbitrate. If an issue referable to arbitration under an  
347 agreement or provision for arbitration subject to this law  
348 becomes involved in an action or proceeding pending in a court

6-00240A-13

2013530\_\_

349 ~~having jurisdiction to hear an application under subsection (1),~~  
350 ~~such application shall be made in said court. Otherwise and~~  
351 ~~subject to s. 682.19, such application may be made in any court~~  
352 ~~of competent jurisdiction.~~

353 (3) If the court finds that there is no enforceable  
354 agreement to arbitrate, it may not order the parties to  
355 arbitrate pursuant to subsection (1) or subsection (2). Any  
356 ~~action or proceeding involving an issue subject to arbitration~~  
357 ~~under this law shall be stayed if an order for arbitration or an~~  
358 ~~application therefor has been made under this section or, if the~~  
359 ~~issue is severable, the stay may be with respect thereto only.~~  
360 ~~When the application is made in such action or proceeding, the~~  
361 ~~order for arbitration shall include such stay.~~

362 (4) The court may not refuse to order arbitration because  
363 the claim subject to arbitration lacks merit or grounds for the  
364 claim have not been established. On application the court may  
365 ~~stay an arbitration proceeding commenced or about to be~~  
366 ~~commenced, if it shall find that no agreement or provision for~~  
367 ~~arbitration subject to this law exists between the party making~~  
368 ~~the application and the party causing the arbitration to be had.~~  
369 ~~The court shall summarily hear and determine the issue of the~~  
370 ~~making of the agreement or provision and, according to its~~  
371 ~~determination, shall grant or deny the application.~~

372 (5) If a proceeding involving a claim referable to  
373 arbitration under an alleged agreement to arbitrate is pending  
374 in court, a motion under this section must be made in that  
375 court. Otherwise, a motion under this section may be made in any  
376 court as provided in s. 682.19. An order for arbitration shall  
377 ~~not be refused on the ground that the claim in issue lacks merit~~

6-00240A-13

2013530\_\_

378 ~~or bona fides or because any fault or grounds for the claim~~  
379 ~~sought to be arbitrated have not been shown.~~

380 (6) If a party makes a motion to the court to order  
381 arbitration, the court on just terms shall stay any judicial  
382 proceeding that involves a claim alleged to be subject to the  
383 arbitration until the court renders a final decision under this  
384 section.

385 (7) If the court orders arbitration, the court on just  
386 terms shall stay any judicial proceeding that involves a claim  
387 subject to the arbitration. If a claim subject to the  
388 arbitration is severable, the court may limit the stay to that  
389 claim.

390 Section 9. Section 682.031, Florida Statutes, is created to  
391 read:

392 682.031 Provisional remedies.—

393 (1) Before an arbitrator is appointed and is authorized and  
394 able to act, the court, upon motion of a party to an arbitration  
395 proceeding and for good cause shown, may enter an order for  
396 provisional remedies to protect the effectiveness of the  
397 arbitration proceeding to the same extent and under the same  
398 conditions as if the controversy were the subject of a civil  
399 action.

400 (2) After an arbitrator is appointed and is authorized and  
401 able to act:

402 (a) The arbitrator may issue such orders for provisional  
403 remedies, including interim awards, as the arbitrator finds  
404 necessary to protect the effectiveness of the arbitration  
405 proceeding and to promote the fair and expeditious resolution of  
406 the controversy, to the same extent and under the same

6-00240A-13

2013530\_\_

407 conditions as if the controversy were the subject of a civil  
408 action.

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

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

415 (4) If an arbitrator awards a provisional remedy for  
416 injunctive or equitable relief, the arbitrator shall state in  
417 the award the factual findings and legal basis for the award.

418 (5) A party may seek to confirm or vacate a provisional  
419 remedy award for injunctive or equitable relief under s.  
420 682.081.

421 Section 10. Section 682.032, Florida Statutes, is created  
422 to read:

423 682.032 Initiation of arbitration.—

424 (1) A person initiates an arbitration proceeding by giving  
425 notice in a record to the other parties to the agreement to  
426 arbitrate in the agreed manner between the parties or, in the  
427 absence of agreement, by certified or registered mail, return  
428 receipt requested and obtained, or by service as authorized for  
429 the commencement of a civil action. The notice must describe the  
430 nature of the controversy and the remedy sought.

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

435 Section 11. Section 682.033, Florida Statutes, is created

6-00240A-13

2013530\_\_

436 to read:

437 682.033 Consolidation of separate arbitration proceedings.-

438 (1) Except as otherwise provided in subsection (3), upon  
439 motion of a party to an agreement to arbitrate or to an  
440 arbitration proceeding, the court may order consolidation of  
441 separate arbitration proceedings as to all or some of the claims  
442 if:

443 (a) There are separate agreements to arbitrate or separate  
444 arbitration proceedings between the same persons or one of them  
445 is a party to a separate agreement to arbitrate or a separate  
446 arbitration proceeding with a third person;

447 (b) The claims subject to the agreements to arbitrate arise  
448 in substantial part from the same transaction or series of  
449 related transactions;

450 (c) The existence of a common issue of law or fact creates  
451 the possibility of conflicting decisions in the separate  
452 arbitration proceedings; and

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

456 (2) The court may order consolidation of separate  
457 arbitration proceedings as to some claims and allow other claims  
458 to be resolved in separate arbitration proceedings.

459 (3) The court may not order consolidation of the claims of  
460 a party to an agreement to arbitrate if the agreement prohibits  
461 consolidation.

462 Section 12. Section 682.04, Florida Statutes, is amended to  
463 read:

464 682.04 Appointment of arbitrators by court.-

6-00240A-13

2013530\_\_

465 (1) If the parties to an agreement to arbitrate agree on or  
466 provision for arbitration subject to this law provides a method  
467 for appointing the appointment of arbitrators or an umpire, this  
468 method must shall be followed, unless the method fails.

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

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

472 (b) The agreed method fails;

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

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

477 (3) In the absence thereof, or if the agreed method fails  
478 or for any reason cannot be followed, or if an arbitrator or  
479 umpire who has been appointed fails to act and his or her  
480 successor has not been duly appointed, the court, on application  
481 of a party to such agreement or provision shall appoint one or  
482 more arbitrators or an umpire. An arbitrator or umpire so  
483 appointed has all the shall have like powers of an arbitrator  
484 designated as if named or provided for in the agreement to  
485 arbitrate appointed pursuant to the agreed method or provision.

486 (4) An individual who has a known, direct, and material  
487 interest in the outcome of the arbitration proceeding or a  
488 known, existing, and substantial relationship with a party may  
489 not serve as an arbitrator required by an agreement to be  
490 neutral.

491 Section 13. Section 682.041, Florida Statutes, is created  
492 to read:

493 682.041 Disclosure by arbitrator.-

6-00240A-13

2013530

494 (1) Before accepting appointment, an individual who is  
495 requested to serve as an arbitrator, after making a reasonable  
496 inquiry, shall disclose to all parties to the agreement to  
497 arbitrate and arbitration proceeding and to any other  
498 arbitrators any known facts that a reasonable person would  
499 consider likely to affect the person's impartiality as an  
500 arbitrator in the arbitration proceeding, including:

501 (a) A financial or personal interest in the outcome of the  
502 arbitration proceeding.

503 (b) An existing or past relationship with any of the  
504 parties to the agreement to arbitrate or the arbitration  
505 proceeding, their counsel or representative, a witness, or  
506 another arbitrator.

507 (2) An arbitrator has a continuing obligation to disclose  
508 to all parties to the agreement to arbitrate and arbitration  
509 proceeding and to any other arbitrators any facts that the  
510 arbitrator learns after accepting appointment that a reasonable  
511 person would consider likely to affect the impartiality of the  
512 arbitrator.

513 (3) If an arbitrator discloses a fact required by  
514 subsection (1) or subsection (2) to be disclosed and a party  
515 timely objects to the appointment or continued service of the  
516 arbitrator based upon the fact disclosed, the objection may be a  
517 ground under s. 682.13(1)(b) for vacating an award made by the  
518 arbitrator.

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

522 (5) An arbitrator appointed as a neutral arbitrator who

6-00240A-13

2013530

523 does not disclose a known, direct, and material interest in the  
524 outcome of the arbitration proceeding or a known, existing, and  
525 substantial relationship with a party is presumed to act with  
526 evident partiality under s. 682.13(1)(b).

527 (6) If the parties to an arbitration proceeding agree to  
528 the procedures of an arbitration organization or any other  
529 procedures for challenges to arbitrators before an award is  
530 made, substantial compliance with those procedures is a  
531 condition precedent to a motion to vacate an award on that  
532 ground under s. 682.13(1)(b).

533 Section 14. Section 682.05, Florida Statutes, is amended to  
534 read:

535 682.05 Majority action by arbitrators.—If there is more  
536 than one arbitrator, the powers of an arbitrator must be  
537 exercised by a majority of the arbitrators, but all of the  
538 arbitrators shall conduct the hearing under s. 682.06(3). ~~The~~  
539 ~~powers of the arbitrators may be exercised by a majority of~~  
540 ~~their number unless otherwise provided in the agreement or~~  
541 ~~provision for arbitration.~~

542 Section 15. Section 682.051, Florida Statutes, is created  
543 to read:

544 682.051 Immunity of arbitrator; competency to testify;  
545 attorney fees and costs.—

546 (1) An arbitrator or an arbitration organization acting in  
547 that capacity is immune from civil liability to the same extent  
548 as a judge of a court of this state acting in a judicial  
549 capacity.

550 (2) The immunity afforded under this section supplements  
551 any immunity under other law.

6-00240A-13

2013530\_\_

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

555       (4) In a judicial, administrative, or similar proceeding,  
556 an arbitrator or representative of an arbitration organization  
557 is not competent to testify, and may not be required to produce  
558 records as to any statement, conduct, decision, or ruling  
559 occurring during the arbitration proceeding, to the same extent  
560 as a judge of a court of this state acting in a judicial  
561 capacity. This subsection does not apply:

562       (a) To the extent necessary to determine the claim of an  
563 arbitrator, arbitration organization, or representative of the  
564 arbitration organization against a party to the arbitration  
565 proceeding; or

566       (b) To a hearing on a motion to vacate an award under s.  
567 682.13(1)(a) or (b) if the movant establishes prima facie that a  
568 ground for vacating the award exists.

569       (5) If a person commences a civil action against an  
570 arbitrator, arbitration organization, or representative of an  
571 arbitration organization arising from the services of the  
572 arbitrator, organization, or representative or if a person seeks  
573 to compel an arbitrator or a representative of an arbitration  
574 organization to testify or produce records in violation of  
575 subsection (4), and the court decides that the arbitrator,  
576 arbitration organization, or representative of an arbitration  
577 organization is immune from civil liability or that the  
578 arbitrator or representative of the organization is not  
579 competent to testify, the court shall award to the arbitrator,  
580 organization, or representative reasonable attorney fees and

6-00240A-13

2013530\_\_

581 other reasonable expenses of litigation.

582 Section 16. Section 682.06, Florida Statutes, is amended to  
583 read:

584 682.06 Hearing.—

585 (1) An arbitrator may conduct an arbitration in such manner  
586 as the arbitrator considers appropriate for a fair and  
587 expeditious disposition of the proceeding. The arbitrator's  
588 authority includes the power to hold conferences with the  
589 parties to the arbitration proceeding before the hearing and,  
590 among other matters, determine the admissibility, relevance,  
591 materiality, and weight of any evidence. Unless otherwise  
592 provided by the agreement or provision for arbitration:

593 ~~(1)(a) The arbitrators shall appoint a time and place for~~  
594 ~~the hearing and cause notification to the parties to be served~~  
595 ~~personally or by registered or certified mail not less than 5~~  
596 ~~days before the hearing. Appearance at the hearing waives a~~  
597 ~~party's right to such notice. The arbitrators may adjourn their~~  
598 ~~hearing from time to time upon their own motion and shall do so~~  
599 ~~upon the request of any party to the arbitration for good cause~~  
600 ~~shown, provided that no adjournment or postponement of their~~  
601 ~~hearing shall extend beyond the date fixed in the agreement or~~  
602 ~~provision for making the award unless the parties consent to a~~  
603 ~~later date. An umpire authorized to hear and decide the cause~~  
604 ~~upon failure of the arbitrators to agree upon an award shall, in~~  
605 ~~the course of his or her jurisdiction, have like powers and be~~  
606 ~~subject to like limitations thereon.~~

607 ~~(b) The arbitrators, or umpire in the course of his or her~~  
608 ~~jurisdiction, may hear and decide the controversy upon the~~  
609 ~~evidence produced notwithstanding the failure or refusal of a~~

6-00240A-13

2013530

610 ~~party duly notified of the time and place of the hearing to~~  
611 ~~appear. The court on application may direct the arbitrators, or~~  
612 ~~the umpire in the course of his or her jurisdiction, to proceed~~  
613 ~~promptly with the hearing and making of the award.~~

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

616 (a) If all interested parties agree; or

617 (b) Upon request of one party to the arbitration  
618 proceeding, if that party gives notice to all other parties to  
619 the proceeding and the other parties have a reasonable  
620 opportunity to respond. The parties are entitled to be heard, to  
621 ~~present evidence material to the controversy and to cross-~~  
622 ~~examine witnesses appearing at the hearing.~~

623 (3) If an arbitrator orders a hearing, the arbitrator shall  
624 set a time and place and give notice of the hearing not less  
625 than 5 days before the hearing begins. Unless a party to the  
626 arbitration proceeding makes an objection to lack or  
627 insufficiency of notice not later than the beginning of the  
628 hearing, the party's appearance at the hearing waives the  
629 objection. Upon request of a party to the arbitration proceeding  
630 and for good cause shown, or upon the arbitrator's own  
631 initiative, the arbitrator may adjourn the hearing from time to  
632 time as necessary, but may not postpone the hearing to a time  
633 later than that fixed by the agreement to arbitrate for making  
634 the award unless the parties to the arbitration proceeding  
635 consent to a later date. The arbitrator may hear and decide the  
636 controversy upon the evidence produced although a party who was  
637 duly notified of the arbitration proceeding did not appear. The  
638 court, on request, may direct the arbitrator to conduct the

6-00240A-13

2013530\_\_

639 hearing promptly and render a timely decision. ~~The hearing shall~~  
640 ~~be conducted by all of the arbitrators but a majority may~~  
641 ~~determine any question and render a final award. An umpire~~  
642 ~~authorized to hear and decide the cause upon the failure of the~~  
643 ~~arbitrators to agree upon an award shall sit with the~~  
644 ~~arbitrators throughout their hearing but shall not be counted as~~  
645 ~~a part of their quorum or in the making of their award. If,~~  
646 ~~during the course of the hearing, an arbitrator for any reason~~  
647 ~~ceases to act, the remaining arbitrator, arbitrators or umpire~~  
648 ~~appointed to act as neutrals may continue with the hearing and~~  
649 ~~determination of the controversy.~~

650 (4) At a hearing under subsection (3), a party to the  
651 arbitration proceeding has a right to be heard, to present  
652 evidence material to the controversy, and to cross-examine  
653 witnesses appearing at the hearing.

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

658 Section 17. Section 682.07, Florida Statutes, is amended to  
659 read:

660 682.07 Representation by attorney.—A party to an  
661 arbitration proceeding may ~~has the right to~~ be represented by an  
662 attorney at any arbitration proceeding or hearing under this  
663 law. A waiver thereof prior to the proceeding or hearing is  
664 ineffective.

665 Section 18. Section 682.08, Florida Statutes, is amended to  
666 read:

667 682.08 Witnesses, subpoenas, depositions.—

6-00240A-13

2013530

668           (1) An arbitrator may issue a subpoena for the attendance  
669 of a witness and for the production of records and other  
670 evidence at any hearing and may administer oaths. A subpoena  
671 must be served in the manner for service of subpoenas in a civil  
672 action and, upon motion to the court by a party to the  
673 arbitration proceeding or the arbitrator, enforced in the manner  
674 for enforcement of subpoenas in a civil action. Arbitrators, or  
675 an umpire authorized to hear and decide the cause upon failure  
676 of the arbitrators to agree upon an award, in the course of her  
677 or his jurisdiction, may issue subpoenas for the attendance of  
678 witnesses and for the production of books, records, documents  
679 and other evidence, and shall have the power to administer  
680 oaths. Subpoenas so issued shall be served, and upon application  
681 to the court by a party to the arbitration or the arbitrators,  
682 or the umpire, enforced in the manner provided by law for the  
683 service and enforcement of subpoenas in a civil action.

684           (2) In order to make the proceedings fair, expeditious, and  
685 cost effective, upon request of a party to, or a witness in, an  
686 arbitration proceeding, an arbitrator may permit a deposition of  
687 any witness to be taken for use as evidence at the hearing,  
688 including a witness who cannot be subpoenaed for or is unable to  
689 attend a hearing. The arbitrator shall determine the conditions  
690 under which the deposition is taken. On application of a party  
691 to the arbitration and for use as evidence, the arbitrators, or  
692 the umpire in the course of her or his jurisdiction, may permit  
693 a deposition to be taken, in the manner and upon the terms  
694 designated by them or her or him of a witness who cannot be  
695 subpoenaed or is unable to attend the hearing.

696           (3) An arbitrator may permit such discovery as the

6-00240A-13

2013530

697 arbitrator decides is appropriate in the circumstances, taking  
698 into account the needs of the parties to the arbitration  
699 proceeding and other affected persons and the desirability of  
700 making the proceeding fair, expeditious, and cost effective. All  
701 provisions of law compelling a person under subpoena to testify  
702 are applicable.

703 (4) If an arbitrator permits discovery under subsection  
704 (3), the arbitrator may order a party to the arbitration  
705 proceeding to comply with the arbitrator's discovery-related  
706 orders, issue subpoenas for the attendance of a witness and for  
707 the production of records and other evidence at a discovery  
708 proceeding, and take action against a noncomplying party to the  
709 extent a court could if the controversy were the subject of a  
710 civil action in this state.

711 (5) An arbitrator may issue a protective order to prevent  
712 the disclosure of privileged information, confidential  
713 information, trade secrets, and other information protected from  
714 disclosure to the extent a court could if the controversy were  
715 the subject of a civil action in this state.

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

721 (7) The court may enforce a subpoena or discovery-related  
722 order for the attendance of a witness within this state and for  
723 the production of records and other evidence issued by an  
724 arbitrator in connection with an arbitration proceeding in  
725 another state upon conditions determined by the court so as to

6-00240A-13

2013530

726 make the arbitration proceeding fair, expeditious, and cost  
727 effective. A subpoena or discovery-related order issued by an  
728 arbitrator in another state must be served in the manner  
729 provided by law for service of subpoenas in a civil action in  
730 this state and, upon motion to the court by a party to the  
731 arbitration proceeding or the arbitrator, enforced in the manner  
732 provided by law for enforcement of subpoenas in a civil action  
733 in this state.

734 (8) ~~(4)~~ Fees for attendance as a witness shall be the same  
735 as for a witness in the circuit court.

736 Section 19. Section 682.081, Florida Statutes, is created  
737 to read:

738 682.081 Judicial enforcement of preaward ruling by  
739 arbitrator.—

740 (1) Except as provided in subsection (2), if an arbitrator  
741 makes a preaward ruling in favor of a party to the arbitration  
742 proceeding, the party may request that the arbitrator  
743 incorporate the ruling into an award under s. 682.12. A  
744 prevailing party may make a motion to the court for an expedited  
745 order to confirm the award under s. 682.12, in which case the  
746 court shall summarily decide the motion. The court shall issue  
747 an order to confirm the award unless the court vacates,  
748 modifies, or corrects the award under s. 682.13 or s. 682.14.

749 (2) A party to a provisional remedy award for injunctive or  
750 equitable relief may make a motion to the court seeking to  
751 confirm or vacate the provisional remedy award.

752 (a) The court shall confirm a provisional remedy award for  
753 injunctive or equitable relief if the award satisfies the legal  
754 standards for awarding a party injunctive or equitable relief.

6-00240A-13

2013530

755 (b) The court shall vacate a provisional remedy award for  
756 injunctive or equitable relief which fails to satisfy the legal  
757 standards for awarding a party injunctive or equitable relief.

758 Section 20. Section 682.09, Florida Statutes, is amended to  
759 read:

760 682.09 Award.—

761 (1) An arbitrator shall make a record of an award. The  
762 record must be signed or otherwise authenticated by any  
763 arbitrator who concurs with the award. The arbitrator or the  
764 arbitration organization shall give notice of the award,  
765 including a copy of the award, to each party to the arbitration  
766 proceeding. ~~The award shall be in writing and shall be signed by~~  
767 ~~the arbitrators joining in the award or by the umpire in the~~  
768 ~~course of his or her jurisdiction. They or he or she shall~~  
769 ~~deliver a copy to each party to the arbitration either~~  
770 ~~personally or by registered or certified mail, or as provided in~~  
771 ~~the agreement or provision.~~

772 (2) An award must be made within the time specified by the  
773 agreement to arbitrate or, if not specified therein, within the  
774 time ordered by the court. The court may extend, or the parties  
775 to the arbitration proceeding may agree in a record to extend,  
776 the time. The court or the parties may do so within or after the  
777 time specified or ordered. A party waives any objection that an  
778 award was not timely made unless the party gives notice of the  
779 objection to the arbitrator before receiving notice of the  
780 award. ~~An award shall be made within the time fixed therefor by~~  
781 ~~the agreement or provision for arbitration or, if not so fixed,~~  
782 ~~within such time as the court may order on application of a~~  
783 ~~party to the arbitration. The parties may, by written agreement,~~

6-00240A-13

2013530

784 ~~extend the time either before or after the expiration thereof.~~  
785 ~~Any objection that an award was not made within the time~~  
786 ~~required is waived unless the objecting party notifies the~~  
787 ~~arbitrators or umpire in writing of his or her objection prior~~  
788 ~~to the delivery of the award to him or her.~~

789 Section 21. Section 682.10, Florida Statutes, is amended to  
790 read:

791 682.10 Change of award by arbitrators ~~or umpire.~~-

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

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

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

798 (c) To clarify the award.

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

802 (3) A party to the arbitration proceeding must give notice  
803 of any objection to the motion within 10 days after receipt of  
804 the notice.

805 (4) If a motion to the court is pending under s. 682.12, s.  
806 682.13, or s. 682.14, the court may submit the claim to the  
807 arbitrator to consider whether to modify or correct the award:

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

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

812 (c) To clarify the award.

6-00240A-13

2013530\_\_

813        (5) An award modified or corrected pursuant to this section  
814 is subject to ss. 682.09(1), 682.12, 682.13, and 682.14. ~~On~~  
815 ~~application of a party to the arbitration, or if an application~~  
816 ~~to the court is pending under s. 682.12, s. 682.13 or s. 682.14,~~  
817 ~~on submission to the arbitrators, or to the umpire in the case~~  
818 ~~of an umpire's award, by the court under such conditions as the~~  
819 ~~court may order, the arbitrators or umpire may modify or correct~~  
820 ~~the award upon the grounds stated in s. 682.14(1)(a) and (c) or~~  
821 ~~for the purpose of clarifying the award. The application shall~~  
822 ~~be made within 20 days after delivery of the award to the~~  
823 ~~applicant. Written notice thereof shall be given forthwith to~~  
824 ~~the other party to the arbitration, stating that he or she must~~  
825 ~~serve his or her objections thereto, if any, within 10 days from~~  
826 ~~the notice. The award so modified or corrected is subject to the~~  
827 ~~provisions of ss. 682.12-682.14.~~

828        Section 22. Section 682.11, Florida Statutes, is amended to  
829 read:

830        682.11 Remedies; fees and expenses of arbitration  
831 proceeding.—

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

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

841        (3) As to all remedies other than those authorized by

6-00240A-13

2013530

842 subsections (1) and (2), an arbitrator may order such remedies  
843 as the arbitrator considers just and appropriate under the  
844 circumstances of the arbitration proceeding. The fact that such  
845 a remedy could not or would not be granted by the court is not a  
846 ground for refusing to confirm an award under s. 682.12 or for  
847 vacating an award under s. 682.13.

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

850 (5) If an arbitrator awards punitive damages or other  
851 exemplary relief under subsection (1), the arbitrator shall  
852 specify in the award the basis in fact justifying and the basis  
853 in law authorizing the award and state separately the amount of  
854 the punitive damages or other exemplary relief. Unless otherwise  
855 provided in the agreement or provision for arbitration, the  
856 arbitrators' and umpire's expenses and fees, together with other  
857 expenses, not including counsel fees, incurred in the conduct of  
858 the arbitration, shall be paid as provided in the award.

859 Section 23. Section 682.12, Florida Statutes, is amended to  
860 read:

861 682.12 Confirmation of an award.—After a party to an  
862 arbitration proceeding receives notice of an award, the party  
863 may make a motion to the court for an order confirming the award  
864 at which time the court shall issue a confirming order unless  
865 the award is modified or corrected pursuant to s. 682.10 or s.  
866 682.14 or is vacated pursuant to s. 682.13. Upon application of  
867 a party to the arbitration, the court shall confirm an award,  
868 unless within the time limits hereinafter imposed grounds are  
869 urged for vacating or modifying or correcting the award, in  
870 which case the court shall proceed as provided in ss. 682.13 and

6-00240A-13

2013530\_\_

871 ~~682.14.~~

872 Section 24. Section 682.13, Florida Statutes, is amended to  
873 read:

874 682.13 Vacating an award.—

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

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

879 (b) There was:

880 1. Evident partiality by an arbitrator appointed as a  
881 neutral arbitrator;

882 2. Corruption by an arbitrator; or

883 3. Misconduct by an arbitrator prejudicing the rights of a  
884 party to the arbitration proceeding; ~~or corruption in any of the~~  
885 ~~arbitrators or umpire or misconduct prejudicing the rights of~~  
886 ~~any party.~~

887 (c) An arbitrator refused to postpone the hearing upon  
888 showing of sufficient cause for postponement, refused to hear  
889 evidence material to the controversy, or otherwise conducted the  
890 hearing contrary to s. 682.06, so as to prejudice substantially  
891 the rights of a party to the arbitration proceeding; ~~The~~  
892 ~~arbitrators or the umpire in the course of her or his~~  
893 ~~jurisdiction exceeded their powers.~~

894 (d) An arbitrator exceeded the arbitrator's powers; ~~The~~  
895 ~~arbitrators or the umpire in the course of her or his~~  
896 ~~jurisdiction refused to postpone the hearing upon sufficient~~  
897 ~~cause being shown therefor or refused to hear evidence material~~  
898 ~~to the controversy or otherwise so conducted the hearing,~~  
899 ~~contrary to the provisions of s. 682.06, as to prejudice~~

6-00240A-13

2013530\_\_

900 ~~substantially the rights of a party.~~

901 (e) There was no agreement to arbitrate, unless the person  
902 participated in the arbitration proceeding without raising the  
903 objection under s. 682.06(3) not later than the beginning of the  
904 arbitration hearing; or ~~There was no agreement or provision for~~  
905 ~~arbitration subject to this law, unless the matter was~~  
906 ~~determined in proceedings under s. 682.03 and unless the party~~  
907 ~~participated in the arbitration hearing without raising the~~  
908 ~~objection.~~

909 (f) The arbitration was conducted without proper notice of  
910 the initiation of an arbitration as required in s. 682.032 so as  
911 to prejudice substantially the rights of a party to the  
912 arbitration proceeding.

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

916 (2) A motion under this section must be filed within 90  
917 days after the movant receives notice of the award pursuant to  
918 s. 682.09 or within 90 days after the movant receives notice of  
919 a modified or corrected award pursuant to s. 682.10, unless the  
920 movant alleges that the award was procured by corruption, fraud,  
921 or other undue means, in which case the motion must be made  
922 within 90 days after the ground is known or by the exercise of  
923 reasonable care would have been known by the movant. An  
924 ~~application under this section shall be made within 90 days~~  
925 ~~after delivery of a copy of the award to the applicant, except~~  
926 ~~that, if predicated upon corruption, fraud or other undue means,~~  
927 ~~it shall be made within 90 days after such grounds are known or~~  
928 ~~should have been known.~~

6-00240A-13

2013530\_\_

929           (3) If the court vacates an award on a ground other than  
930 that set forth in paragraph (1)(e), it may order a rehearing. If  
931 the award is vacated on a ground stated in paragraph (1)(a) or  
932 paragraph (1)(b), the rehearing must be before a new arbitrator.  
933 If the award is vacated on a ground stated in paragraph (1)(c),  
934 paragraph (1)(d), or paragraph (1)(f), the rehearing may be  
935 before the arbitrator who made the award or the arbitrator's  
936 successor. The arbitrator must render the decision in the  
937 rehearing within the same time as that provided in s. 682.09(2)  
938 for an award. In vacating the award on grounds other than those  
939 stated in paragraph (1)(e), the court may order a rehearing  
940 before new arbitrators chosen as provided in the agreement or  
941 provision for arbitration or by the court in accordance with s.  
942 682.04, or, if the award is vacated on grounds set forth in  
943 paragraphs (1)(c) and (d), the court may order a rehearing  
944 before the arbitrators or umpire who made the award or their  
945 successors appointed in accordance with s. 682.04. The time  
946 within which the agreement or provision for arbitration requires  
947 the award to be made is applicable to the rehearing and  
948 commences from the date of the order therefor.

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

952           Section 25. Section 682.14, Florida Statutes, is amended to  
953 read:

954           682.14 Modification or correction of award.—

955           (1) Upon motion made within 90 days after the movant  
956 receives notice of the award pursuant to s. 682.09 or within 90  
957 days after the movant receives notice of a modified or corrected

6-00240A-13

2013530\_\_

958 award pursuant to s. 682.10, the court shall modify or correct  
959 the award if ~~Upon application made within 90 days after delivery~~  
960 ~~of a copy of the award to the applicant, the court shall modify~~  
961 ~~or correct the award when:~~

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

965 (b) The arbitrators ~~or umpire~~ have awarded upon a matter  
966 not submitted in the arbitration ~~to them or him or her~~ and the  
967 award may be corrected without affecting the merits of the  
968 decision upon the issues submitted.

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

971 (2) If the application is granted, the court shall modify  
972 and correct the award ~~so as to effect its intent and shall~~  
973 confirm the award as so modified and corrected. Otherwise,  
974 unless a motion to vacate the award under s. 682.13 is pending,  
975 the court shall confirm the award as made.

976 (3) An application to modify or correct an award may be  
977 joined in the alternative with an application to vacate the  
978 award under s. 682.13.

979 Section 26. Section 682.15, Florida Statutes, is amended to  
980 read:

981 682.15 Judgment or decree on award.—

982 (1) Upon granting an order confirming, vacating without  
983 directing a rehearing, modifying, or correcting an award, the  
984 court shall enter a judgment in conformity therewith. The  
985 judgment may be recorded, docketed, and enforced as any other  
986 judgment in a civil action.

6-00240A-13

2013530

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

989       (3) On motion of a prevailing party to a contested judicial  
990 proceeding under s. 682.12, s. 682.13, or s. 682.14, the court  
991 may add reasonable attorney fees and other reasonable expenses  
992 of litigation incurred in a judicial proceeding after the award  
993 is made to a judgment confirming, vacating without directing a  
994 rehearing, modifying, or correcting an award. ~~Upon the granting~~  
995 ~~of an order confirming, modifying or correcting an award,~~  
996 ~~judgment or decree shall be entered in conformity therewith and~~  
997 ~~be enforced as any other judgment or decree. Costs of the~~  
998 ~~application and of the proceedings subsequent thereto, and~~  
999 ~~disbursements may be awarded by the court.~~

1000       Section 27. Section 682.16, Florida Statutes, is repealed.

1001       Section 28. Section 682.17, Florida Statutes, is repealed.

1002       Section 29. Section 682.18, Florida Statutes, is repealed.

1003       Section 30. Section 682.181, Florida Statutes, is created  
1004 to read:

1005       682.181 Jurisdiction.—

1006       (1) A court of this state having jurisdiction over the  
1007 controversy and the parties may enforce an agreement to  
1008 arbitrate.

1009       (2) An agreement to arbitrate providing for arbitration in  
1010 this state confers exclusive jurisdiction on the court to enter  
1011 judgment on an award under this chapter.

1012       Section 31. Section 682.19, Florida Statutes, is amended to  
1013 read:

1014       682.19 Venue.—A petition pursuant to s. 682.015 must be  
1015 filed in the court of the county in which the agreement to

6-00240A-13

2013530\_\_

1016 arbitrate specifies the arbitration hearing is to be held or, if  
1017 the hearing has been held, in the court of the county in which  
1018 it was held. Otherwise, the petition may be made in the court of  
1019 any county in which an adverse party resides or has a place of  
1020 business or, if no adverse party has a residence or place of  
1021 business in this state, in the court of any county in this  
1022 state. All subsequent petitions must be made in the court  
1023 hearing the initial petition unless the court otherwise directs.

1024 ~~Any application under this law may be made to the court of the~~  
1025 ~~county in which the other party to the agreement or provision~~  
1026 ~~for arbitration resides or has a place of business, or, if she~~  
1027 ~~or he has no residence or place of business in this state, then~~  
1028 ~~to the court of any county. All applications under this law~~  
1029 ~~subsequent to an initial application shall be made to the court~~  
1030 ~~hearing the initial application unless it shall order otherwise.~~

1031 Section 32. Section 682.20, Florida Statutes, is amended to  
1032 read:

1033 682.20 Appeals.—

1034 (1) An appeal may be taken from:

1035 (a) An order denying an application to compel arbitration  
1036 made under s. 682.03.

1037 (b) An order granting a motion an application to stay  
1038 arbitration pursuant to ~~made under~~ s. 682.03(2)-(4).

1039 (c) An order confirming ~~or denying confirmation of~~ an  
1040 award.

1041 (d) An order denying confirmation of an award unless the  
1042 court has entered an order under s. 682.10(4) or s. 682.13. All  
1043 other orders denying confirmation of an award are final orders.

1044 (e) ~~(d)~~ An order modifying or correcting an award.

6-00240A-13

2013530\_\_

1045        ~~(f)(e)~~ An order vacating an award without directing a  
1046 rehearing.

1047        ~~(g)(f)~~ A judgment or decree entered pursuant to this  
1048 chapter ~~the provisions of this law.~~

1049        (2) The appeal shall be taken in the manner and to the same  
1050 extent as from orders or judgments in a civil action.

1051        Section 33. Section 682.21, Florida Statutes, is repealed.

1052        Section 34. Section 682.22, Florida Statutes, is repealed.

1053        Section 35. Section 682.23, Florida Statutes, is created to  
1054 read:

1055        682.23 Relationship to Electronic Signatures in Global and  
1056 National Commerce Act.—The provisions of this chapter governing  
1057 the legal effect, validity, and enforceability of electronic  
1058 records or electronic signatures and of contracts performed with  
1059 the use of such records or signatures conform to the  
1060 requirements of s. 102 of the Electronic Signatures in Global  
1061 and National Commerce Act, 15 U.S.C. s. 7002.

1062        Section 36. Section 682.25, Florida Statutes, is created to  
1063 read:

1064        682.25 Disputes excluded.—This chapter does not apply to  
1065 any dispute involving child custody, visitation, or child  
1066 support.

1067        Section 37. Section 440.1926, Florida Statutes, is amended  
1068 to read:

1069        440.1926 Alternate dispute resolution; claim arbitration.—  
1070 Notwithstanding any other provision of this chapter, the  
1071 employer, carrier, and employee may mutually agree to seek  
1072 consent from a judge of compensation claims to enter into  
1073 binding claim arbitration in lieu of any other remedy provided

6-00240A-13

2013530\_\_

1074 for in this chapter to resolve all issues in dispute regarding  
1075 an injury. Arbitrations agreed to pursuant to this section shall  
1076 be governed by chapter 682, the Revised Florida Arbitration  
1077 Code, except that, notwithstanding any provision in chapter 682,  
1078 the term "court" shall mean a judge of compensation claims. An  
1079 arbitration award in accordance with this section is ~~shall be~~  
1080 enforceable in the same manner and with the same powers as any  
1081 final compensation order.

1082 Section 38. Paragraph (a) of subsection (1) of section  
1083 489.1402, Florida Statutes, is amended to read:

1084 489.1402 Homeowners' Construction Recovery Fund;  
1085 definitions.-

1086 (1) The following definitions apply to ss. 489.140-489.144:

1087 (a) "Arbitration" means alternative dispute resolution  
1088 entered into between a claimant and a contractor either pursuant  
1089 to a construction contract that contains a mandatory arbitration  
1090 clause or through any binding arbitration under chapter 682, the  
1091 Revised Florida Arbitration Code.

1092 Section 39. Subsection (2) of section 731.401, Florida  
1093 Statutes, is amended to read:

1094 731.401 Arbitration of disputes.-

1095 (2) Unless otherwise specified in the will or trust, a will  
1096 or trust provision requiring arbitration shall be presumed to  
1097 require binding arbitration under chapter 682, the Revised  
1098 Florida Arbitration Code ~~s. 44.104~~.

1099 Section 40. This act shall take effect July 1, 2013.