

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; providing for applicability to class  
42 actions; amending s. 682.04, F.S.; revising provisions  
43 relating to appointment of an arbitrator; prohibiting  
44 an individual who has an interest in the outcome of an  
45 arbitration from serving as a neutral arbitrator;  
46 creating s. 682.041, F.S.; requiring certain  
47 disclosures of interests and relationships by a person  
48 before accepting appointment as an arbitrator;  
49 providing a continuing obligation to make such  
50 disclosures; providing for objections to an arbitrator  
51 based on information disclosed; providing for vacation  
52 of an award if an arbitrator failed to disclose a fact  
53 as required; providing that an arbitrator appointed as  
54 a neutral arbitrator who does not disclose certain  
55 interests or relationships is presumed to act with  
56 partiality for specified purposes; requiring parties

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

85 | amending s. 682.07, F.S.; revising a cross-reference;  
86 | amending s. 682.08, F.S.; revising provisions relating  
87 | to the issuance, service, and enforcement of  
88 | subpoenas; revising provisions relating to  
89 | depositions; authorizing an arbitrator to permit  
90 | discovery in certain circumstances; authorizing an  
91 | arbitrator to order compliance with discovery;  
92 | authorizing protective orders by an arbitrator;  
93 | providing for applicability of laws compelling a  
94 | person under subpoena to testify and all fees for  
95 | attending a judicial proceeding, a deposition, or a  
96 | discovery proceeding as a witness; providing for court  
97 | enforcement of a subpoena or discovery-related order;  
98 | providing for witness fees; creating s. 682.081, F.S.;  
99 | providing for judicial enforcement of a preaward  
100 | ruling by an arbitrator in certain circumstances;  
101 | providing exceptions; 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 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  
 146 support; amending ss. 440.1926 and 489.1402, F.S.;  
 147 conforming cross-references; amending s. 731.401,  
 148 F.S.; conforming cross-references; providing for  
 149 treatment of arbitration provisions in a will or trust  
 150 as an agreement for specified purposes; providing an  
 151 effective date.

152  
 153 Be It Enacted by the Legislature of the State of Florida:

154  
 155 Section 1. Section 682.01, Florida Statutes, is amended to  
 156 read:

157 682.01 Short title Florida Arbitration Code.—This chapter  
 158 ~~Sections 682.01–682.22~~ may be cited as the "Revised Florida  
 159 Arbitration Code."

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

162 682.011 Definitions.—As used in this chapter, the term:

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

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

169 to an agreement to arbitrate.

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

172 (4) "Knowledge" means actual knowledge.

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

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

181 Section 3. Section 682.012, Florida Statutes, is created  
182 to read:

183 682.012 Notice.—

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

189 (2) A person has notice if the person has knowledge of the  
190 notice or has received notice.

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

195 Section 4. Section 682.013, Florida Statutes, is created  
196 to read:

197 682.013 Applicability of revised code.—

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

200 (2) Until June 30, 2016, the Revised Florida Arbitration  
 201 Code governs an agreement to arbitrate made before July 1, 2013,  
 202 if all the parties to the agreement or to the arbitration  
 203 proceeding so agree in a record. Otherwise, such agreements  
 204 shall be governed by the applicable law existing at the time the  
 205 parties entered into the agreement.

206 (3) The Revised Florida Arbitration Code does not affect  
 207 an action or proceeding commenced or right accrued before July  
 208 1, 2013.

209 (4) Beginning July 1, 2016, an agreement to arbitrate  
 210 shall be subject to the Revised Florida Arbitration Code.

211 Section 5. Section 682.014, Florida Statutes, is created  
 212 to read:

213 682.014 Effect of agreement to arbitrate; nonwaivable  
 214 provisions.—

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

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

221 (a) Waive or agree to vary the effect of the requirements  
 222 of:

223 1. Commencing a petition for judicial relief under s.  
 224 682.015(1);

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

227        3. Permitting provisional remedies under s. 682.031;

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

230        5. Conferring jurisdiction under s. 682.181; or

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

232        (b) Agree to unreasonably restrict the right under s.  
233 682.032 to notice of the initiation of an arbitration  
234 proceeding;

235        (c) Agree to unreasonably restrict the right under s.  
236 682.041 to disclosure of any facts by a neutral arbitrator; or

237        (d) Waive the right under s. 682.07 of a party to an  
238 agreement to arbitrate to be represented by an attorney at any  
239 proceeding or hearing under this chapter, but an employer and a  
240 labor organization may waive the right to representation by an  
241 attorney in a labor arbitration.

242        (3) A party to an agreement to arbitrate or arbitration  
243 proceeding may not waive, or the parties may not vary the effect  
244 of, the requirements in this section or:

245        (a) The applicability of this chapter, the Revised Florida  
246 Arbitration Code, under s. 682.013(1) or (4);

247        (b) The availability of proceedings to compel or stay  
248 arbitration under s. 682.03;

249        (c) The immunity conferred on arbitrators and arbitration  
250 organizations under s. 682.051;

251        (d) A party's right to seek judicial enforcement of an  
252 arbitration preaward ruling under s. 682.081;

253 (e) The authority conferred on an arbitrator to change an  
 254 award under s. 682.10(4) or (5);

255 (f) The remedies provided under s. 682.12;

256 (g) The grounds for vacating an arbitration award under s.  
 257 682.13;

258 (h) The grounds for modifying an arbitration award under  
 259 s. 682.14;

260 (i) The validity and enforceability of a judgment or  
 261 decree based on an award under s. 682.15(1) or (2);

262 (j) The validity of the Electronic Signatures in Global  
 263 and National Commerce Act under s. 682.23; or

264 (k) The effect of excluding from arbitration under this  
 265 chapter disputes involving child custody, visitation, or child  
 266 support under s. 682.25.

267 Section 6. Section 682.015, Florida Statutes, is created  
 268 to read:

269 682.015 Petition for judicial relief.-

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

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

280 Section 7. Section 682.02, Florida Statutes, is amended to

281 read:

282 682.02 Arbitration agreements made valid, irrevocable, and  
283 enforceable; scope.—

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

289 (2) The court shall decide whether an agreement to  
290 arbitrate exists or a controversy is subject to an agreement to  
291 arbitrate.

292 (3) An arbitrator shall decide whether a condition  
293 precedent to arbitrability has been fulfilled and whether a  
294 contract containing a valid agreement to arbitrate is  
295 enforceable.

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

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

307 This section also applies to written interlocal agreements under  
308 ss. 163.01 and 373.713 in which two or more parties agree to

309 submit to arbitration any controversy between them concerning  
310 water use permit applications and other matters, regardless of  
311 whether or not the water management district with jurisdiction  
312 over the subject application is a party to the interlocal  
313 agreement or a participant in the arbitration. ~~Such agreement or~~  
314 ~~provision shall be valid, enforceable, and irrevocable without~~  
315 ~~regard to the justiciable character of the controversy; provided~~  
316 ~~that this act shall not apply to any such agreement or provision~~  
317 ~~to arbitrate in which it is stipulated that this law shall not~~  
318 ~~apply or to any arbitration or award thereunder.~~

319 Section 8. Section 682.03, Florida Statutes, is amended to  
320 read:

321 682.03 Proceedings to compel and to stay arbitration.—

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

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

328 (b) If the refusing party opposes the motion, the court  
329 shall proceed summarily to decide the issue and order the  
330 parties to arbitrate unless it finds that there is no  
331 enforceable agreement to arbitrate. ~~A party to an agreement or~~  
332 ~~provision for arbitration subject to this law claiming the~~  
333 ~~neglect or refusal of another party thereto to comply therewith~~  
334 ~~may make application to the court for an order directing the~~  
335 ~~parties to proceed with arbitration in accordance with the terms~~  
336 ~~thereof. If the court is satisfied that no substantial issue~~

337 ~~exists as to the making of the agreement or provision, it shall~~  
338 ~~grant the application. If the court shall find that a~~  
339 ~~substantial issue is raised as to the making of the agreement or~~  
340 ~~provision, it shall summarily hear and determine the issue and,~~  
341 ~~according to its determination, shall grant or deny the~~  
342 ~~application.~~

343       (2) On motion of a person alleging that an arbitration  
344 proceeding has been initiated or threatened but that there is no  
345 agreement to arbitrate, the court shall proceed summarily to  
346 decide the issue. If the court finds that there is an  
347 enforceable agreement to arbitrate, it shall order the parties  
348 to arbitrate. ~~If an issue referable to arbitration under an~~  
349 ~~agreement or provision for arbitration subject to this law~~  
350 ~~becomes involved in an action or proceeding pending in a court~~  
351 ~~having jurisdiction to hear an application under subsection (1),~~  
352 ~~such application shall be made in said court. Otherwise and~~  
353 ~~subject to s. 682.19, such application may be made in any court~~  
354 ~~of competent jurisdiction.~~

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

364       (4) The court may not refuse to order arbitration because

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

374 (5) If a proceeding involving a claim referable to  
375 arbitration under an alleged agreement to arbitrate is pending  
376 in court, a motion under this section must be made in that  
377 court. Otherwise, a motion under this section may be made in any  
378 court as provided in s. 682.19. ~~An order for arbitration shall~~  
379 ~~not be refused on the ground that the claim in issue lacks merit~~  
380 ~~or bona fides or because any fault or grounds for the claim~~  
381 ~~sought to be arbitrated have not been shown.~~

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

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

392 Section 9. Section 682.031, Florida Statutes, is created

393 to read:

394 682.031 Provisional remedies.—

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

402 (2) After an arbitrator is appointed and is authorized and  
403 able to act:

404 (a) The arbitrator may issue such orders for provisional  
405 remedies, including interim awards, as the arbitrator finds  
406 necessary to protect the effectiveness of the arbitration  
407 proceeding and to promote the fair and expeditious resolution of  
408 the controversy, to the same extent and under the same  
409 conditions as if the controversy were the subject of a civil  
410 action.

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

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

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

420 (5) A party may seek to confirm or vacate a provisional

421 remedy award for injunctive or equitable relief under s.  
 422 682.081.

423 Section 10. Section 682.032, Florida Statutes, is created  
 424 to read:

425 682.032 Initiation of arbitration.—

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

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

437 Section 11. Section 682.033, Florida Statutes, is created  
 438 to read:

439 682.033 Consolidation of separate arbitration  
 440 proceedings.—

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

446 (a) There are separate agreements to arbitrate or separate  
 447 arbitration proceedings between the same persons or one of them  
 448 is a party to a separate agreement to arbitrate or a separate

449 arbitration proceeding with a third person;

450 (b) The claims subject to the agreements to arbitrate  
 451 arise in substantial part from the same transaction or series of  
 452 related transactions;

453 (c) The existence of a common issue of law or fact creates  
 454 the possibility of conflicting decisions in the separate  
 455 arbitration proceedings; and

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

459 (2) The court may order consolidation of separate  
 460 arbitration proceedings as to some claims and allow other claims  
 461 to be resolved in separate arbitration proceedings.

462 (3) The court may not order consolidation of the claims of  
 463 a party to an agreement to arbitrate if the agreement prohibits  
 464 consolidation. Nothing in this section is intended or shall be  
 465 construed to affect commencing, maintaining, or certifying a  
 466 claim or defense on behalf of a class or as a class action.

467 Section 12. Section 682.04, Florida Statutes, is amended  
 468 to read:

469 682.04 Appointment of arbitrators by court.—

470 (1) If the parties to an agreement to arbitrate agree on  
 471 ~~or provision for arbitration subject to this law provides a~~  
 472 ~~method for appointing the appointment of arbitrators or an~~  
 473 ~~umpire, this method must shall be followed, unless the method~~  
 474 ~~fails.~~

475 (2) The court, on motion of a party to an arbitration  
 476 agreement, shall appoint one or more arbitrators, if:

- 477        (a) The parties have not agreed on a method;  
 478        (b) The agreed method fails;  
 479        (c) One or more of the parties failed to respond to the  
 480 demand for arbitration; or  
 481        (d) An arbitrator fails to act and a successor has not  
 482 been appointed.
- 483        ~~(3) In the absence thereof, or if the agreed method fails~~  
 484 ~~or for any reason cannot be followed, or if an arbitrator or~~  
 485 ~~umpire who has been appointed fails to act and his or her~~  
 486 ~~successor has not been duly appointed, the court, on application~~  
 487 ~~of a party to such agreement or provision shall appoint one or~~  
 488 ~~more arbitrators or an umpire. An arbitrator or umpire so~~  
 489 ~~appointed~~ has all the shall have like powers of an arbitrator  
 490 designated as if named or provided for in the agreement to  
 491 arbitrate appointed pursuant to the agreed method or provision.
- 492        (4) An individual who has a known, direct, and material  
 493 interest in the outcome of the arbitration proceeding or a  
 494 known, existing, and substantial relationship with a party may  
 495 not serve as an arbitrator required by an agreement to be  
 496 neutral.

497        Section 13. Section 682.041, Florida Statutes, is created  
 498 to read:

499        682.041 Disclosure by arbitrator.—

- 500        (1) Before accepting appointment, an individual who is  
 501 requested to serve as an arbitrator, after making a reasonable  
 502 inquiry, shall disclose to all parties to the agreement to  
 503 arbitrate and arbitration proceeding and to any other  
 504 arbitrators any known facts that a reasonable person would

505 consider likely to affect the person's impartiality as an  
506 arbitrator in the arbitration proceeding, including:

507 (a) A financial or personal interest in the outcome of the  
508 arbitration proceeding.

509 (b) An existing or past relationship with any of the  
510 parties to the agreement to arbitrate or the arbitration  
511 proceeding, their counsel or representative, a witness, or  
512 another arbitrator.

513 (2) An arbitrator has a continuing obligation to disclose  
514 to all parties to the agreement to arbitrate and arbitration  
515 proceeding and to any other arbitrators any facts that the  
516 arbitrator learns after accepting appointment that a reasonable  
517 person would consider likely to affect the impartiality of the  
518 arbitrator.

519 (3) If an arbitrator discloses a fact required by  
520 subsection (1) or subsection (2) to be disclosed and a party  
521 timely objects to the appointment or continued service of the  
522 arbitrator based upon the fact disclosed, the objection may be a  
523 ground under s. 682.13(1)(b) for vacating an award made by the  
524 arbitrator.

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

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

533 (6) If the parties to an arbitration proceeding agree to  
534 the procedures of an arbitration organization or any other  
535 procedures for challenges to arbitrators before an award is  
536 made, substantial compliance with those procedures is a  
537 condition precedent to a motion to vacate an award on that  
538 ground under s. 682.13(1)(b).

539 Section 14. Section 682.05, Florida Statutes, is amended  
540 to read:

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

548 Section 15. Section 682.051, Florida Statutes, is created  
549 to read:

550 682.051 Immunity of arbitrator; competency to testify;  
551 attorney fees and costs.—

552 (1) An arbitrator or an arbitration organization acting in  
553 that capacity is immune from civil liability to the same extent  
554 as a judge of a court of this state acting in a judicial  
555 capacity.

556 (2) The immunity afforded under this section supplements  
557 any immunity under other law.

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

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

568       (a) To the extent necessary to determine the claim of an  
569 arbitrator, arbitration organization, or representative of the  
570 arbitration organization against a party to the arbitration  
571 proceeding; or

572       (b) To a hearing on a motion to vacate an award under s.  
573 682.13(1) (a) or (b) if the movant establishes prima facie that a  
574 ground for vacating the award exists.

575       (5) If a person commences a civil action against an  
576 arbitrator, arbitration organization, or representative of an  
577 arbitration organization arising from the services of the  
578 arbitrator, organization, or representative or if a person seeks  
579 to compel an arbitrator or a representative of an arbitration  
580 organization to testify or produce records in violation of  
581 subsection (4), and the court decides that the arbitrator,  
582 arbitration organization, or representative of an arbitration  
583 organization is immune from civil liability or that the  
584 arbitrator or representative of the organization is not  
585 competent to testify, the court shall award to the arbitrator,  
586 organization, or representative reasonable attorney fees and  
587 other reasonable expenses of litigation.

588       Section 16. Section 682.06, Florida Statutes, is amended

589 | to read:

590 |       682.06 Hearing.—

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

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

613 |       ~~(b) The arbitrators, or umpire in the course of his or her~~  
 614 | ~~jurisdiction, may hear and decide the controversy upon the~~  
 615 | ~~evidence produced notwithstanding the failure or refusal of a~~  
 616 | ~~party duly notified of the time and place of the hearing to~~

617 ~~appear. The court on application may direct the arbitrators, or~~  
618 ~~the umpire in the course of his or her jurisdiction, to proceed~~  
619 ~~promptly with the hearing and making of the award.~~

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

622 (a) If all interested parties agree; or

623 (b) Upon request of one party to the arbitration  
624 proceeding, if that party gives notice to all other parties to  
625 the proceeding and the other parties have a reasonable  
626 opportunity to respond. ~~The parties are entitled to be heard, to~~  
627 ~~present evidence material to the controversy and to cross-~~  
628 ~~examine witnesses appearing at the hearing.~~

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

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

656 (4) At a hearing under subsection (3), a party to the  
657 arbitration proceeding has a right to be heard, to present  
658 evidence material to the controversy, and to cross-examine  
659 witnesses appearing at the hearing.

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

664 Section 17. Section 682.07, Florida Statutes, is amended  
665 to read:

666 682.07 Representation by attorney.—A party has the right  
667 to be represented by an attorney at any arbitration proceeding  
668 or hearing under this chapter law. ~~A waiver thereof prior to the~~  
669 ~~proceeding or hearing is ineffective.~~

670 Section 18. Section 682.08, Florida Statutes, is amended  
671 to read:

672 682.08 Witnesses, subpoenas, depositions.—

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

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

701           (3) An arbitrator may permit such discovery as the  
702 arbitrator decides is appropriate in the circumstances, taking  
703 into account the needs of the parties to the arbitration  
704 proceeding and other affected persons and the desirability of  
705 making the proceeding fair, expeditious, and cost effective. All  
706 ~~provisions of law compelling a person under subpoena to testify~~  
707 ~~are applicable.~~

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

716           (5) An arbitrator may issue a protective order to prevent  
717 the disclosure of privileged information, confidential  
718 information, trade secrets, and other information protected from  
719 disclosure to the extent a court could if the controversy were  
720 the subject of a civil action in this state.

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

726           (7) The court may enforce a subpoena or discovery-related  
727 order for the attendance of a witness within this state and for  
728 the production of records and other evidence issued by an

729 arbitrator in connection with an arbitration proceeding in  
730 another state upon conditions determined by the court so as to  
731 make the arbitration proceeding fair, expeditious, and cost  
732 effective. A subpoena or discovery-related order issued by an  
733 arbitrator in another state must be served in the manner  
734 provided by law for service of subpoenas in a civil action in  
735 this state and, upon motion to the court by a party to the  
736 arbitration proceeding or the arbitrator, enforced in the manner  
737 provided by law for enforcement of subpoenas in a civil action  
738 in this state.

739 (8)-(4) Fees for attendance as a witness shall be the same  
740 as for a witness in the circuit court.

741 Section 19. Section 682.081, Florida Statutes, is created  
742 to read:

743 682.081 Judicial enforcement of preaward ruling by  
744 arbitrator.-

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

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

757        (a) The court shall confirm a provisional remedy award for  
758 injunctive or equitable relief if the award satisfies the legal  
759 standards for awarding a party injunctive or equitable relief.

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

763        Section 20. Section 682.09, Florida Statutes, is amended  
764 to read:

765        682.09 Award.—

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

777        (2) An award must be made within the time specified by the  
778 agreement to arbitrate or, if not specified therein, within the  
779 time ordered by the court. The court may extend, or the parties  
780 to the arbitration proceeding may agree in a record to extend,  
781 the time. The court or the parties may do so within or after the  
782 time specified or ordered. A party waives any objection that an  
783 award was not timely made unless the party gives notice of the  
784 objection to the arbitrator before receiving notice of the

785 ~~award. An award shall be made within the time fixed therefor by~~  
786 ~~the agreement or provision for arbitration or, if not so fixed,~~  
787 ~~within such time as the court may order on application of a~~  
788 ~~party to the arbitration. The parties may, by written agreement,~~  
789 ~~extend the time either before or after the expiration thereof.~~  
790 ~~Any objection that an award was not made within the time~~  
791 ~~required is waived unless the objecting party notifies the~~  
792 ~~arbitrators or umpire in writing of his or her objection prior~~  
793 ~~to the delivery of the award to him or her.~~

794 Section 21. Section 682.10, Florida Statutes, is amended  
795 to read:

796 682.10 Change of award by arbitrators ~~or umpire.~~

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

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

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

804 (c) To clarify the award.

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

808 (3) A party to the arbitration proceeding must give notice  
809 of any objection to the motion within 10 days after receipt of  
810 the notice.

811 (4) If a motion to the court is pending under s. 682.12,  
812 s. 682.13, or s. 682.14, the court may submit the claim to the

813 arbitrator to consider whether to modify or correct the award:  
 814 (a) Upon a ground stated in s. 682.14(1)(a) or (c);  
 815 (b) Because the arbitrator has not made a final and  
 816 definite award upon a claim submitted by the parties to the  
 817 arbitration proceeding; or  
 818 (c) To clarify the award.  
 819 (5) An award modified or corrected pursuant to this  
 820 section is subject to ss. 682.09(1), 682.12, 682.13, and 682.14.  
 821 ~~On application of a party to the arbitration, or if an~~  
 822 ~~application to the court is pending under s. 682.12, s. 682.13~~  
 823 ~~or s. 682.14, on submission to the arbitrators, or to the umpire~~  
 824 ~~in the case of an umpire's award, by the court under such~~  
 825 ~~conditions as the court may order, the arbitrators or umpire may~~  
 826 ~~modify or correct the award upon the grounds stated in s.~~  
 827 ~~682.14(1)(a) and (c) or for the purpose of clarifying the award.~~  
 828 ~~The application shall be made within 20 days after delivery of~~  
 829 ~~the award to the applicant. Written notice thereof shall be~~  
 830 ~~given forthwith to the other party to the arbitration, stating~~  
 831 ~~that he or she must serve his or her objections thereto, if any,~~  
 832 ~~within 10 days from the notice. The award so modified or~~  
 833 ~~corrected is subject to the provisions of ss. 682.12-682.14.~~  
 834 Section 22. Section 682.11, Florida Statutes, is amended  
 835 to read:  
 836 682.11 Remedies; fees and expenses of arbitration  
 837 proceeding.—  
 838 (1) An arbitrator may award punitive damages or other  
 839 exemplary relief if such an award is authorized by law in a  
 840 civil action involving the same claim and the evidence produced

841 at the hearing justifies the award under the legal standards  
842 otherwise applicable to the claim.

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

847 (3) As to all remedies other than those authorized by  
848 subsections (1) and (2), an arbitrator may order such remedies  
849 as the arbitrator considers just and appropriate under the  
850 circumstances of the arbitration proceeding. The fact that such  
851 a remedy could not or would not be granted by the court is not a  
852 ground for refusing to confirm an award under s. 682.12 or for  
853 vacating an award under s. 682.13.

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

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

865 Section 23. Section 682.12, Florida Statutes, is amended  
866 to read:

867 682.12 Confirmation of an award.—After a party to an  
868 arbitration proceeding receives notice of an award, the party

869 may make a motion to the court for an order confirming the award  
 870 at which time the court shall issue a confirming order unless  
 871 the award is modified or corrected pursuant to s. 682.10 or s.  
 872 682.14 or is vacated pursuant to s. 682.13. ~~Upon application of~~  
 873 ~~a party to the arbitration, the court shall confirm an award,~~  
 874 ~~unless within the time limits hereinafter imposed grounds are~~  
 875 ~~urged for vacating or modifying or correcting the award, in~~  
 876 ~~which case the court shall proceed as provided in ss. 682.13 and~~  
 877 ~~682.14.~~

878 Section 24. Section 682.13, Florida Statutes, is amended  
 879 to read:

880 682.13 Vacating an award.—

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

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

885 (b) There was:

886 1. Evident partiality by an arbitrator appointed as a  
 887 neutral arbitrator;

888 2. Corruption by an arbitrator; or

889 3. Misconduct by an arbitrator prejudicing the rights of a  
 890 party to the arbitration proceeding; ~~or corruption in any of the~~  
 891 ~~arbitrators or umpire or misconduct prejudicing the rights of~~  
 892 ~~any party.~~

893 (c) An arbitrator refused to postpone the hearing upon  
 894 showing of sufficient cause for postponement, refused to hear  
 895 evidence material to the controversy, or otherwise conducted the  
 896 hearing contrary to s. 682.06, so as to prejudice substantially

897 the rights of a party to the arbitration proceeding; ~~The~~  
898 ~~arbitrators or the umpire in the course of her or his~~  
899 ~~jurisdiction exceeded their powers.~~

900 (d) An arbitrator exceeded the arbitrator's powers; ~~The~~  
901 ~~arbitrators or the umpire in the course of her or his~~  
902 ~~jurisdiction refused to postpone the hearing upon sufficient~~  
903 ~~cause being shown therefor or refused to hear evidence material~~  
904 ~~to the controversy or otherwise so conducted the hearing,~~  
905 ~~contrary to the provisions of s. 682.06, as to prejudice~~  
906 ~~substantially the rights of a party.~~

907 (e) There was no agreement to arbitrate, unless the person  
908 participated in the arbitration proceeding without raising the  
909 objection under s. 682.06(3) not later than the beginning of the  
910 arbitration hearing; ~~There was no agreement or provision for~~  
911 ~~arbitration subject to this law, unless the matter was~~  
912 ~~determined in proceedings under s. 682.03 and unless the party~~  
913 ~~participated in the arbitration hearing without raising the~~  
914 ~~objection.~~

915 (f) The arbitration was conducted without proper notice of  
916 the initiation of an arbitration as required in s. 682.032 so as  
917 to prejudice substantially the rights of a party to the  
918 arbitration proceeding.

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

922 (2) A motion under this section must be filed within 90  
923 days after the movant receives notice of the award pursuant to  
924 s. 682.09 or within 90 days after the movant receives notice of

925 a modified or corrected award pursuant to s. 682.10, unless the  
926 movant alleges that the award was procured by corruption, fraud,  
927 or other undue means, in which case the motion must be made  
928 within 90 days after the ground is known or by the exercise of  
929 reasonable care would have been known by the movant. An  
930 ~~application under this section shall be made within 90 days~~  
931 ~~after delivery of a copy of the award to the applicant, except~~  
932 ~~that, if predicated upon corruption, fraud or other undue means,~~  
933 ~~it shall be made within 90 days after such grounds are known or~~  
934 ~~should have been known.~~

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

953 ~~the award to be made is applicable to the rehearing and~~  
954 ~~commences from the date of the order therefor.~~

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

958 Section 25. Section 682.14, Florida Statutes, is amended  
959 to read:

960 682.14 Modification or correction of award.—

961 (1) Upon motion made within 90 days after the movant  
962 receives notice of the award pursuant to s. 682.09 or within 90  
963 days after the movant receives notice of a modified or corrected  
964 award pursuant to s. 682.10, the court shall modify or correct  
965 the award if ~~Upon application made within 90 days after delivery~~  
966 ~~of a copy of the award to the applicant, the court shall modify~~  
967 ~~or correct the award when:~~

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

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

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

977 (2) If the motion ~~application~~ is granted, the court shall  
978 modify and correct the award ~~so as to effect its intent and~~  
979 ~~shall~~ confirm the award as so modified and corrected. Otherwise,  
980 unless a motion to vacate the award under s. 682.13 is pending,

981 the court shall confirm the award as made.

982 (3) A motion ~~An application~~ to modify or correct an award  
 983 may be joined in the alternative with an application to vacate  
 984 the award under s. 682.13.

985 Section 26. Section 682.15, Florida Statutes, is amended  
 986 to read:

987 682.15 Judgment or decree on award.—

988 (1) Upon granting an order confirming, vacating without  
 989 directing a rehearing, modifying, or correcting an award, the  
 990 court shall enter a judgment in conformity therewith. The  
 991 judgment may be recorded, docketed, and enforced as any other  
 992 judgment in a civil action.

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

995 (3) On motion of a prevailing party to a contested  
 996 judicial proceeding under s. 682.12, s. 682.13, or s. 682.14,  
 997 the court may add reasonable attorney fees and other reasonable  
 998 expenses of litigation incurred in a judicial proceeding after  
 999 the award is made to a judgment confirming, vacating without  
 1000 directing a rehearing, modifying, or correcting an award. ~~Upon~~  
 1001 ~~the granting of an order confirming, modifying or correcting an~~  
 1002 ~~award, judgment or decree shall be entered in conformity~~  
 1003 ~~therewith and be enforced as any other judgment or decree. Costs~~  
 1004 ~~of the application and of the proceedings subsequent thereto,~~  
 1005 ~~and disbursements may be awarded by the court.~~

1006 Section 27. Section 682.16, Florida Statutes, is repealed.

1007 Section 28. Section 682.17, Florida Statutes, is repealed.

1008 Section 29. Section 682.18, Florida Statutes, is repealed.

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2013

1009 Section 30. Section 682.181, Florida Statutes, is created  
 1010 to read:

1011 682.181 Jurisdiction.-

1012 (1) A court of this state having jurisdiction over the  
 1013 controversy and the parties may enforce an agreement to  
 1014 arbitrate.

1015 (2) An agreement to arbitrate providing for arbitration in  
 1016 this state confers exclusive jurisdiction on the court to enter  
 1017 judgment on an award under this chapter.

1018 Section 31. Section 682.19, Florida Statutes, is amended  
 1019 to read:

1020 682.19 Venue.-A petition pursuant to s. 682.015 must be  
 1021 filed in the court of the county in which the agreement to  
 1022 arbitrate specifies the arbitration hearing is to be held or, if  
 1023 the hearing has been held, in the court of the county in which  
 1024 it was held. Otherwise, the petition may be made in the court of  
 1025 any county in which an adverse party resides or has a place of  
 1026 business or, if no adverse party has a residence or place of  
 1027 business in this state, in the court of any county in this  
 1028 state. All subsequent petitions must be made in the court  
 1029 hearing the initial petition unless the court otherwise directs.

1030 ~~Any application under this law may be made to the court of the~~  
 1031 ~~county in which the other party to the agreement or provision~~  
 1032 ~~for arbitration resides or has a place of business, or, if she~~  
 1033 ~~or he has no residence or place of business in this state, then~~  
 1034 ~~to the court of any county. All applications under this law~~  
 1035 ~~subsequent to an initial application shall be made to the court~~  
 1036 ~~hearing the initial application unless it shall order otherwise.~~

1037 Section 32. Section 682.20, Florida Statutes, is amended  
 1038 to read:

1039 682.20 Appeals.—

1040 (1) An appeal may be taken from:

1041 (a) An order denying a motion ~~an application~~ to compel  
 1042 arbitration made under s. 682.03.

1043 (b) An order granting a motion ~~an application~~ to stay  
 1044 arbitration pursuant to ~~made under~~ s. 682.03(2)-(4).

1045 (c) An order confirming ~~or denying confirmation of~~ an  
 1046 award.

1047 (d) An order denying confirmation of an award unless the  
 1048 court has entered an order under s. 682.10(4) or s. 682.13. All  
 1049 other orders denying confirmation of an award are final orders.

1050 (e) ~~(d)~~ An order modifying or correcting an award.

1051 (f) ~~(e)~~ An order vacating an award without directing a  
 1052 rehearing.

1053 (g) ~~(f)~~ A judgment or decree entered pursuant to this  
 1054 chapter ~~the provisions of this law~~.

1055 (2) The appeal shall be taken in the manner and to the  
 1056 same extent as from orders or judgments in a civil action.

1057 Section 33. Section 682.21, Florida Statutes, is repealed.

1058 Section 34. Section 682.22, Florida Statutes, is repealed.

1059 Section 35. Section 682.23, Florida Statutes, is created  
 1060 to read:

1061 682.23 Relationship to Electronic Signatures in Global and  
 1062 National Commerce Act.—The provisions of this chapter governing  
 1063 the legal effect, validity, and enforceability of electronic  
 1064 records or electronic signatures and of contracts performed with

1065 | the use of such records or signatures conform to the  
 1066 | requirements of s. 102 of the Electronic Signatures in Global  
 1067 | and National Commerce Act, 15 U.S.C. s. 7002.

1068 | Section 36. Section 682.25, Florida Statutes, is created  
 1069 | to read:

1070 | 682.25 Disputes excluded.—This chapter does not apply to  
 1071 | any dispute involving child custody, visitation, or child  
 1072 | support.

1073 | Section 37. Section 440.1926, Florida Statutes, is amended  
 1074 | to read:

1075 | 440.1926 Alternate dispute resolution; claim arbitration.—  
 1076 | Notwithstanding any other provision of this chapter, the  
 1077 | employer, carrier, and employee may mutually agree to seek  
 1078 | consent from a judge of compensation claims to enter into  
 1079 | binding claim arbitration in lieu of any other remedy provided  
 1080 | for in this chapter to resolve all issues in dispute regarding  
 1081 | an injury. Arbitrations agreed to pursuant to this section shall  
 1082 | be governed by chapter 682, the Revised Florida Arbitration  
 1083 | Code, except that, notwithstanding any provision in chapter 682,  
 1084 | the term "court" shall mean a judge of compensation claims. An  
 1085 | arbitration award in accordance with this section is ~~shall be~~  
 1086 | enforceable in the same manner and with the same powers as any  
 1087 | final compensation order.

1088 | Section 38. Paragraph (a) of subsection (1) of section  
 1089 | 489.1402, Florida Statutes, is amended to read:

1090 | 489.1402 Homeowners' Construction Recovery Fund;  
 1091 | definitions.—

1092 | (1) The following definitions apply to ss. 489.140-

1093 489.144:

1094 (a) "Arbitration" means alternative dispute resolution  
 1095 entered into between a claimant and a contractor either pursuant  
 1096 to a construction contract that contains a mandatory arbitration  
 1097 clause or through any binding arbitration under chapter 682, the  
 1098 Revised Florida Arbitration Code.

1099 Section 39. Subsection (2) of section 731.401, Florida  
 1100 Statutes, is amended to read:

1101 731.401 Arbitration of disputes.—

1102 (2) Unless otherwise specified in the will or trust, a  
 1103 will or trust provision requiring arbitration shall be presumed  
 1104 to require binding arbitration under chapter 682, the Revised  
 1105 Florida Arbitration Code s. ~~44.104~~. If an arbitration  
 1106 enforceable under this section is governed by chapter 682, the  
 1107 arbitration provisions in the will or trust shall be treated as  
 1108 an agreement for the purpose of applying chapter 682.

1109 Section 40. This act shall take effect July 1, 2013.