

1 A bill to be entitled
2 An act relating to nonbinding arbitration fees;
3 amending s. 720.311, F.S.; requiring certain fees to
4 be paid to the Department of Business and Professional
5 Regulation; providing for the prevailing party in
6 nonbinding arbitration to recover certain costs and
7 fees; providing a contingent effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (c) of subsection (2) of section
12 720.311, Florida Statutes, is amended to read:

13 720.311 Dispute resolution.—

14 (2)

15 (c)1. If presuit mediation as described in paragraph (a)
16 is not successful in resolving all issues between the parties,
17 the parties may file the unresolved dispute in a court of
18 competent jurisdiction or elect to enter into binding or
19 nonbinding arbitration pursuant to the procedures set forth in
20 s. 718.1255 and rules adopted by the division, with the
21 arbitration proceeding to be conducted by a department
22 arbitrator or by a private arbitrator certified by the
23 department. If all parties do not agree to arbitration
24 proceedings following an unsuccessful presuit mediation, any
25 party may file the dispute in court. A final order resulting

26 from nonbinding arbitration is final and enforceable in the
27 courts if a complaint for trial de novo is not filed in a court
28 of competent jurisdiction within 30 days after entry of the
29 order. As to any issue or dispute that is not resolved at
30 presuit mediation, and as to any issue that is settled at
31 presuit mediation but is thereafter subject to an action seeking
32 enforcement of the mediation settlement, the prevailing party in
33 any subsequent arbitration or litigation proceeding shall be
34 entitled to seek recovery of all costs and attorney's fees
35 incurred in the presuit mediation process.

36 2. The petition for nonbinding arbitration must be
37 accompanied by a filing fee in the amount of \$200. Filing fees
38 collected under this subparagraph must be used to defray the
39 costs and expenses incurred by the department in conducting the
40 proceeding. If the filing fee does not cover all of the costs
41 and expenses incurred, the department shall charge each party an
42 amount adequate to cover its costs and expenses at the
43 conclusion of the proceeding. The fees paid to the department
44 are a recoverable cost in the arbitration proceeding, and the
45 prevailing party shall recover its reasonable costs and attorney
46 fees in addition to the fees the party paid to the department.

47 Section 2. This act shall take effect on the same date
48 that HB 233 or similar legislation takes effect, if such
49 legislation is adopted in the same legislative session or an
50 extension thereof and becomes law.