

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

29 | appointed and is authorized and able to act; providing  
30 | for orders for provisional remedies by an arbitrator;  
31 | providing that a party does not waive a right of  
32 | arbitration by seeking provisional remedies in court;  
33 | creating s. 682.032, F.S.; providing for initiation of  
34 | arbitration; providing that a person waives any  
35 | objection to lack of or insufficiency of notice by  
36 | appearing at the arbitration hearing; providing an  
37 | exception; creating s. 682.033, F.S.; providing for  
38 | consolidation of separate arbitration proceedings as  
39 | to all or some of the claims in certain circumstances;  
40 | prohibiting consolidation if the agreement prohibits  
41 | consolidation; amending s. 682.04, F.S.; revising  
42 | provisions relating to appointment of an arbitrator;  
43 | prohibiting an individual 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  
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 | revising a cross-reference; amending s. 682.08, F.S.;

86 | revising provisions relating to the issuance, service,

87 | and enforcement of subpoenas; revising provisions

88 | relating to depositions; authorizing an arbitrator to

89 | permit discovery in certain circumstances; authorizing

90 | an arbitrator to order compliance with discovery;

91 | authorizing protective orders by an arbitrator;

92 | providing for applicability of laws compelling a

93 | person under subpoena to testify and all fees for

94 | attending a judicial proceeding, a deposition, or a

95 | discovery proceeding as a witness; providing for court

96 | enforcement of a subpoena or discovery-related order;

97 | providing for witness fees; creating s. 682.081, F.S.;

98 | providing for judicial enforcement of a preaward

99 | ruling by an arbitrator in certain circumstances;

100 | providing exceptions; amending s. 682.09, F.S.;

101 | revising provisions relating to the record needed for

102 | an award; revising provisions relating to the time

103 | within which an award must be made; amending s.

104 | 682.10, F.S.; revising provisions relating to

105 | requirements for a motion to modify or correct an

106 | award; amending s. 682.11, F.S.; revising provisions

107 | relating to fees and expenses of arbitration;

108 | authorizing punitive damages and other exemplary

109 | relief and remedies; amending s. 682.12, F.S.;

110 | revising provisions relating to confirmation of an

111 | award; amending s. 682.13, F.S.; revising provisions

112 | relating to grounds for vacating an award; revising

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

141 Signatures in Global and National Commerce Act;  
 142 providing for applicability; creating s. 682.25, F.S.;  
 143 providing that the revised code does not apply to any  
 144 dispute involving child custody, visitation, or child  
 145 support; amending ss. 440.1926 and 489.1402, F.S.;  
 146 conforming cross-references; amending s. 731.401,  
 147 F.S.; conforming cross-references; providing for  
 148 treatment of arbitration provisions in a will or trust  
 149 as an agreement for specified purposes; providing an  
 150 effective date.

151

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

153

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

156 682.01 Short title Florida Arbitration Code.~~This chapter~~  
 157 ~~Sections 682.01-682.22~~ may be cited as the "Revised Florida  
 158 Arbitration Code."

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

161 682.011 Definitions.~~As used in this chapter, the term:~~

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

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

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

171        (4) "Knowledge" means actual knowledge.

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

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

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

182        682.012 Notice.—

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

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

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

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

196        682.013 Applicability of revised code.—

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

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

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

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

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

212       682.014 Effect of agreement to arbitrate; nonwaivable  
213 provisions.-

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

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

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

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

224       2. Making agreements to arbitrate valid, enforceable, and



225 irrevocable under s. 682.02(1);  
226 3. Permitting provisional remedies under s. 682.031;  
227 4. Conferring authority on arbitrators to issue subpoenas  
228 and permit depositions under s. 682.08(1) or (2);  
229 5. Conferring jurisdiction under s. 682.181; or  
230 6. Stating the bases for appeal under s. 682.20;  
231 (b) Agree to unreasonably restrict the right under s.  
232 682.032 to notice of the initiation of an arbitration  
233 proceeding;  
234 (c) Agree to unreasonably restrict the right under s.  
235 682.041 to disclosure of any facts by a neutral arbitrator; or  
236 (d) Waive the right under s. 682.07 of a party to an  
237 agreement to arbitrate to be represented by an attorney at any  
238 proceeding or hearing under this chapter, but an employer and a  
239 labor organization may waive the right to representation by an  
240 attorney in a labor arbitration.  
241 (3) A party to an agreement to arbitrate or arbitration  
242 proceeding may not waive, or the parties may not vary the effect  
243 of, the requirements in this section or:  
244 (a) The applicability of this chapter, the Revised Florida  
245 Arbitration Code, under s. 682.013(1) or (4);  
246 (b) The availability of proceedings to compel or stay  
247 arbitration under s. 682.03;  
248 (c) The immunity conferred on arbitrators and arbitration  
249 organizations under s. 682.051;  
250 (d) A party's right to seek judicial enforcement of an  
251 arbitration preaward ruling under s. 682.081;  
252 (e) The authority conferred on an arbitrator to change an

- 253 | award under s. 682.10(4) or (5);
- 254 |       (f) The remedies provided under s. 682.12;
- 255 |       (g) The grounds for vacating an arbitration award under s.
- 256 | 682.13;
- 257 |       (h) The grounds for modifying an arbitration award under
- 258 | s. 682.14;
- 259 |       (i) The validity and enforceability of a judgment or
- 260 | decree based on an award under s. 682.15(1) or (2);
- 261 |       (j) The validity of the Electronic Signatures in Global
- 262 | and National Commerce Act under s. 682.23; or
- 263 |       (k) The effect of excluding from arbitration under this
- 264 | chapter disputes involving child custody, visitation, or child
- 265 | support under s. 682.25.

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

268 |       682.015 Petition for judicial relief.—

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

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

279 |       Section 7. Section 682.02, Florida Statutes, is amended to  
 280 | read:

281           682.02 Arbitration agreements made valid, irrevocable, and  
282 enforceable; scope.—

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

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

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

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

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

306 This section also applies to written interlocal agreements under  
307 ss. 163.01 and 373.713 in which two or more parties agree to  
308 submit to arbitration any controversy between them concerning

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

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

320 682.03 Proceedings to compel and to stay arbitration.—

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

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

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

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

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

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

363 (4) The court may not refuse to order arbitration because  
364 the claim subject to arbitration lacks merit or grounds for the

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

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

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

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

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

393 682.031 Provisional remedies.-

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

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

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

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

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

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

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

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421 682.081.

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

424 682.032 Initiation of arbitration.—

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

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

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

438 682.033 Consolidation of separate arbitration  
439 proceedings.—

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

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



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

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

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

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

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

464        Section 12. Section 682.04, Florida Statutes, is amended  
465 to read:

466        682.04 Appointment of arbitrators by court.—

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

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

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

475        (b) The agreed method fails;

476        (c) One or more of the parties failed to respond to the

477 demand for arbitration; or

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

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

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

494 Section 13. Section 682.041, Florida Statutes, is created  
495 to read:

496 682.041 Disclosure by arbitrator.—

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

504 (a) A financial or personal interest in the outcome of the

505 arbitration proceeding.

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

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

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

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

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

530 (6) If the parties to an arbitration proceeding agree to  
531 the procedures of an arbitration organization or any other  
532 procedures for challenges to arbitrators before an award is

533 made, substantial compliance with those procedures is a  
534 condition precedent to a motion to vacate an award on that  
535 ground under s. 682.13(1)(b).

536 Section 14. Section 682.05, Florida Statutes, is amended  
537 to read:

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

545 Section 15. Section 682.051, Florida Statutes, is created  
546 to read:

547 682.051 Immunity of arbitrator; competency to testify;  
548 attorney fees and costs.—

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

553 (2) The immunity afforded under this section supplements  
554 any immunity under other law.

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

558 (4) In a judicial, administrative, or similar proceeding,  
559 an arbitrator or representative of an arbitration organization  
560 is not competent to testify, and may not be required to produce

561 records as to any statement, conduct, decision, or ruling  
562 occurring during the arbitration proceeding, to the same extent  
563 as a judge of a court of this state acting in a judicial  
564 capacity. This subsection does not apply:

565 (a) To the extent necessary to determine the claim of an  
566 arbitrator, arbitration organization, or representative of the  
567 arbitration organization against a party to the arbitration  
568 proceeding; or

569 (b) To a hearing on a motion to vacate an award under s.  
570 682.13(1)(a) or (b) if the movant establishes prima facie that a  
571 ground for vacating the award exists.

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

585 Section 16. Section 682.06, Florida Statutes, is amended  
586 to read:

587 682.06 Hearing.—

588 (1) An arbitrator may conduct an arbitration in such

589 manner as the arbitrator considers appropriate for a fair and  
590 expeditious disposition of the proceeding. The arbitrator's  
591 authority includes the power to hold conferences with the  
592 parties to the arbitration proceeding before the hearing and,  
593 among other matters, determine the admissibility, relevance,  
594 materiality, and weight of any evidence. Unless otherwise  
595 provided by the agreement or provision for arbitration:

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

610 ~~(b) The arbitrators, or umpire in the course of his or her~~  
611 ~~jurisdiction, may hear and decide the controversy upon the~~  
612 ~~evidence produced notwithstanding the failure or refusal of a~~  
613 ~~party duly notified of the time and place of the hearing to~~  
614 ~~appear. The court on application may direct the arbitrators, or~~  
615 ~~the umpire in the course of his or her jurisdiction, to proceed~~  
616 ~~promptly with the hearing and making of the award.~~

617           (2) An arbitrator may decide a request for summary  
618 disposition of a claim or particular issue:  
619           (a) If all interested parties agree; or  
620           (b) Upon request of one party to the arbitration  
621 proceeding, if that party gives notice to all other parties to  
622 the proceeding and the other parties have a reasonable  
623 opportunity to respond. ~~The parties are entitled to be heard, to~~  
624 ~~present evidence material to the controversy and to cross-~~  
625 ~~examine witnesses appearing at the hearing.~~  
626           (3) If an arbitrator orders a hearing, the arbitrator  
627 shall set a time and place and give notice of the hearing at  
628 least 5 days before the hearing begins. Unless a party to the  
629 arbitration proceeding makes an objection to lack or  
630 insufficiency of notice not later than the beginning of the  
631 hearing, the party's appearance at the hearing waives the  
632 objection. Upon request of a party to the arbitration proceeding  
633 and for good cause shown, or upon the arbitrator's own  
634 initiative, the arbitrator may adjourn the hearing from time to  
635 time as necessary but may not postpone the hearing to a time  
636 later than that fixed by the agreement to arbitrate for making  
637 the award unless the parties to the arbitration proceeding  
638 consent to a later date. The arbitrator may hear and decide the  
639 controversy upon the evidence produced although a party who was  
640 duly notified of the arbitration proceeding did not appear. The  
641 court, on request, may direct the arbitrator to conduct the  
642 hearing promptly and render a timely decision. ~~The hearing shall~~  
643 ~~be conducted by all of the arbitrators but a majority may~~  
644 ~~determine any question and render a final award. An umpire~~

645 ~~authorized to hear and decide the cause upon the failure of the~~  
646 ~~arbitrators to agree upon an award shall sit with the~~  
647 ~~arbitrators throughout their hearing but shall not be counted as~~  
648 ~~a part of their quorum or in the making of their award. If,~~  
649 ~~during the course of the hearing, an arbitrator for any reason~~  
650 ~~ceases to act, the remaining arbitrator, arbitrators or umpire~~  
651 ~~appointed to act as neutrals may continue with the hearing and~~  
652 ~~determination of the controversy.~~

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

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

661 Section 17. Section 682.07, Florida Statutes, is amended  
662 to read:

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

667 Section 18. Section 682.08, Florida Statutes, is amended  
668 to read:

669 682.08 Witnesses, subpoenas, depositions.—

670 (1) An arbitrator may issue a subpoena for the attendance  
671 of a witness and for the production of records and other  
672 evidence at any hearing and may administer oaths. A subpoena



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

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

698 (3) An arbitrator may permit such discovery as the  
699 arbitrator decides is appropriate in the circumstances, taking  
700 into account the needs of the parties to the arbitration

701 proceeding and other affected persons and the desirability of  
702 making the proceeding fair, expeditious, and cost effective. All  
703 ~~provisions of law compelling a person under subpoena to testify~~  
704 ~~are applicable.~~

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

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

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

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

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

736 (8)-(4) Fees for attendance as a witness shall be the same  
737 as for a witness in the circuit court.

738 Section 19. Section 682.081, Florida Statutes, is created  
739 to read:

740 682.081 Judicial enforcement of preaward ruling by  
741 arbitrator.-

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

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

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

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

760        Section 20. Section 682.09, Florida Statutes, is amended  
761 to read:

762        682.09 Award.—

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

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

785 ~~party to the arbitration. The parties may, by written agreement,~~  
 786 ~~extend the time either before or after the expiration thereof.~~  
 787 ~~Any objection that an award was not made within the time~~  
 788 ~~required is waived unless the objecting party notifies the~~  
 789 ~~arbitrators or umpire in writing of his or her objection prior~~  
 790 ~~to the delivery of the award to him or her.~~

791 Section 21. Section 682.10, Florida Statutes, is amended  
 792 to read:

793 682.10 Change of award by arbitrators ~~or umpire.~~-

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

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

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

801 (c) To clarify the award.

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

805 (3) A party to the arbitration proceeding must give notice  
 806 of any objection to the motion within 10 days after receipt of  
 807 the notice.

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

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

812 (b) Because the arbitrator has not made a final and

813 definite award upon a claim submitted by the parties to the  
814 arbitration proceeding; or

815 (c) To clarify the award.

816 (5) An award modified or corrected pursuant to this  
817 section is subject to ss. 682.09(1), 682.12, 682.13, and 682.14.

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

831 Section 22. Section 682.11, Florida Statutes, is amended  
832 to read:

833 682.11 Remedies; fees and expenses of arbitration  
834 proceeding.-

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

840 (2) An arbitrator may award reasonable attorney fees and

841 other reasonable expenses of arbitration if such an award is  
842 authorized by law in a civil action involving the same claim or  
843 by the agreement of the parties to the arbitration proceeding.

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

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

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

862 Section 23. Section 682.12, Florida Statutes, is amended  
863 to read:

864 682.12 Confirmation of an award.—After a party to an  
865 arbitration proceeding receives notice of an award, the party  
866 may make a motion to the court for an order confirming the award  
867 at which time the court shall issue a confirming order unless  
868 the award is modified or corrected pursuant to s. 682.10 or s.

869 | ~~682.14 or is vacated pursuant to s. 682.13. Upon application of~~  
 870 | ~~a party to the arbitration, the court shall confirm an award,~~  
 871 | ~~unless within the time limits hereinafter imposed grounds are~~  
 872 | ~~urged for vacating or modifying or correcting the award, in~~  
 873 | ~~which case the court shall proceed as provided in ss. 682.13 and~~  
 874 | ~~682.14.~~

875 | Section 24. Section 682.13, Florida Statutes, is amended  
 876 | to read:

877 | 682.13 Vacating an award.—

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

880 | (a) The award was procured by corruption, fraud, or other  
 881 | undue means;~~—~~

882 | (b) There was:

883 | 1. Evident partiality by an arbitrator appointed as a  
 884 | neutral arbitrator;

885 | 2. Corruption by an arbitrator; or

886 | 3. Misconduct by an arbitrator prejudicing the rights of a  
 887 | party to the arbitration proceeding; or corruption in any of the  
 888 | arbitrators or umpire or misconduct prejudicing the rights of  
 889 | any party.

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



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

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

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

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

919           (2) A motion under this section must be filed within 90  
920 days after the movant receives notice of the award pursuant to  
921 s. 682.09 or within 90 days after the movant receives notice of  
922 a modified or corrected award pursuant to s. 682.10, unless the  
923 movant alleges that the award was procured by corruption, fraud,  
924 or other undue means, in which case the motion must be made

925 within 90 days after the ground is known or by the exercise of  
926 reasonable care would have been known by the movant. An  
927 ~~application under this section shall be made within 90 days~~  
928 ~~after delivery of a copy of the award to the applicant, except~~  
929 ~~that, if predicated upon corruption, fraud or other undue means,~~  
930 ~~it shall be made within 90 days after such grounds are known or~~  
931 ~~should have been known.~~

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

952 (4) If a motion ~~the application~~ to vacate is denied and no

953 motion to modify or correct the award is pending, the court  
 954 shall confirm the award.

955 Section 25. Section 682.14, Florida Statutes, is amended  
 956 to read:

957 682.14 Modification or correction of award.—

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

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

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

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

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

979 (3) A motion ~~An application~~ to modify or correct an award  
 980 may be joined in the alternative with an application to vacate

981 the award under s. 682.13.

982 Section 26. Section 682.15, Florida Statutes, is amended  
983 to read:

984 682.15 Judgment or decree on award.—

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

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

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

1003 Section 27. Section 682.16, Florida Statutes, is repealed.

1004 Section 28. Section 682.17, Florida Statutes, is repealed.

1005 Section 29. Section 682.18, Florida Statutes, is repealed.

1006 Section 30. Section 682.181, Florida Statutes, is created  
1007 to read:

1008 682.181 Jurisdiction.—

1009           (1) A court of this state having jurisdiction over the  
 1010 controversy and the parties may enforce an agreement to  
 1011 arbitrate.

1012           (2) An agreement to arbitrate providing for arbitration in  
 1013 this state confers exclusive jurisdiction on the court to enter  
 1014 judgment on an award under this chapter.

1015           Section 31. Section 682.19, Florida Statutes, is amended  
 1016 to read:

1017           682.19 Venue.—A petition pursuant to s. 682.015 must be  
 1018 filed in the court of the county in which the agreement to  
 1019 arbitrate specifies the arbitration hearing is to be held or, if  
 1020 the hearing has been held, in the court of the county in which  
 1021 it was held. Otherwise, the petition may be made in the court of  
 1022 any county in which an adverse party resides or has a place of  
 1023 business or, if no adverse party has a residence or place of  
 1024 business in this state, in the court of any county in this  
 1025 state. All subsequent petitions must be made in the court  
 1026 hearing the initial petition unless the court otherwise directs.

1027 ~~Any application under this law may be made to the court of the~~  
 1028 ~~county in which the other party to the agreement or provision~~  
 1029 ~~for arbitration resides or has a place of business, or, if she~~  
 1030 ~~or he has no residence or place of business in this state, then~~  
 1031 ~~to the court of any county. All applications under this law~~  
 1032 ~~subsequent to an initial application shall be made to the court~~  
 1033 ~~hearing the initial application unless it shall order otherwise.~~

1034           Section 32. Section 682.20, Florida Statutes, is amended  
 1035 to read:

1036           682.20 Appeals.—

1037 (1) An appeal may be taken from:  
 1038 (a) An order denying a motion ~~an application~~ to compel  
 1039 arbitration made under s. 682.03.  
 1040 (b) An order granting a motion ~~an application~~ to stay  
 1041 arbitration pursuant to ~~made under~~ s. 682.03(2)-(4).  
 1042 (c) An order confirming ~~or denying confirmation of~~ an  
 1043 award.  
 1044 (d) An order denying confirmation of an award unless the  
 1045 court has entered an order under s. 682.10(4) or s. 682.13. All  
 1046 other orders denying confirmation of an award are final orders.  
 1047 (e) ~~(d)~~ An order modifying or correcting an award.  
 1048 (f) ~~(e)~~ An order vacating an award without directing a  
 1049 rehearing.  
 1050 (g) ~~(f)~~ A judgment or decree entered pursuant to this  
 1051 chapter ~~the provisions of this law~~.  
 1052 (2) The appeal shall be taken in the manner and to the  
 1053 same extent as from orders or judgments in a civil action.  
 1054 Section 33. Section 682.21, Florida Statutes, is repealed.  
 1055 Section 34. Section 682.22, Florida Statutes, is repealed.  
 1056 Section 35. Section 682.23, Florida Statutes, is created  
 1057 to read:  
 1058 682.23 Relationship to Electronic Signatures in Global and  
 1059 National Commerce Act.—The provisions of this chapter governing  
 1060 the legal effect, validity, and enforceability of electronic  
 1061 records or electronic signatures and of contracts performed with  
 1062 the use of such records or signatures conform to the  
 1063 requirements of s. 102 of the Electronic Signatures in Global  
 1064 and National Commerce Act, 15 U.S.C. s. 7002.

1065 Section 36. Section 682.25, Florida Statutes, is created  
 1066 to read:

1067 682.25 Disputes excluded.—This chapter does not apply to  
 1068 any dispute involving child custody, visitation, or child  
 1069 support.

1070 Section 37. Section 440.1926, Florida Statutes, is amended  
 1071 to read:

1072 440.1926 Alternate dispute resolution; claim arbitration.—  
 1073 Notwithstanding any other provision of this chapter, the  
 1074 employer, carrier, and employee may mutually agree to seek  
 1075 consent from a judge of compensation claims to enter into  
 1076 binding claim arbitration in lieu of any other remedy provided  
 1077 for in this chapter to resolve all issues in dispute regarding  
 1078 an injury. Arbitrations agreed to pursuant to this section shall  
 1079 be governed by chapter 682, the Revised Florida Arbitration  
 1080 Code, except that, notwithstanding any provision in chapter 682,  
 1081 the term "court" shall mean a judge of compensation claims. An  
 1082 arbitration award in accordance with this section is ~~shall be~~  
 1083 enforceable in the same manner and with the same powers as any  
 1084 final compensation order.

1085 Section 38. Paragraph (a) of subsection (1) of section  
 1086 489.1402, Florida Statutes, is amended to read:

1087 489.1402 Homeowners' Construction Recovery Fund;  
 1088 definitions.—

1089 (1) The following definitions apply to ss. 489.140-  
 1090 489.144:

1091 (a) "Arbitration" means alternative dispute resolution  
 1092 entered into between a claimant and a contractor either pursuant

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1093 | to a construction contract that contains a mandatory arbitration  
1094 | clause or through any binding arbitration under chapter 682, the  
1095 | Revised Florida Arbitration Code.

1096 |       Section 39. Subsection (2) of section 731.401, Florida  
1097 | Statutes, is amended to read:

1098 |       731.401 Arbitration of disputes.—

1099 |       (2) Unless otherwise specified in the will or trust, a  
1100 | will or trust provision requiring arbitration shall be presumed  
1101 | to require binding arbitration under chapter 682, the Revised  
1102 | Florida Arbitration Code s. ~~44.104~~. If an arbitration  
1103 | enforceable under this section is governed by chapter 682, the  
1104 | arbitration provisions in the will or trust shall be treated as  
1105 | an agreement for the purpose of applying chapter 682.

1106 |       Section 40. This act shall take effect July 1, 2013.