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

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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; prescribing limitations of the section;
42 amending s. 682.04, F.S.; revising provisions relating
43 to appointment of an arbitrator; prohibiting an
44 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

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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.; providing that a party to an
86 arbitration proceeding may be represented by an
87 attorney; amending s. 682.08, F.S.; revising

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

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117 amending s. 682.14, F.S.; revising provisions relating
118 to the time for moving to modify or correct an award;
119 deleting references to the term "umpire"; revising a
120 provision concerning confirmation of awards; amending
121 s. 682.15, F.S.; revising provisions relating to a
122 court order confirming, vacating without directing a
123 rehearing, modifying, or correcting an award;
124 providing for award of costs and attorney fees in
125 certain circumstances; repealing s. 682.16, F.S.,
126 relating to judgment roll and docketing of certain
127 orders; repealing s. 682.17, F.S., relating to
128 application to court; repealing s. 682.18, F.S.,
129 relating to the definition of the term "court" and
130 jurisdiction; creating s. 682.181, F.S.; providing for
131 jurisdiction relating to the revised code; amending s.
132 682.19, F.S.; revising provisions relating to venue
133 for actions relating to the code; amending s. 682.20,
134 F.S.; providing that an appeal may be taken from an
135 order denying confirmation of an award unless the
136 court has entered an order under specified provisions;
137 providing that all other orders denying confirmation
138 of an award are final orders; repealing s. 682.21,
139 F.S., relating to the previous code not applying
140 retroactively; repealing s. 682.22, F.S., relating to
141 conflict of laws; creating s. 682.23, F.S.; specifying
142 the relationship of the code to the Electronic
143 Signatures in Global and National Commerce Act;
144 providing for applicability; creating s. 682.25, F.S.;
145 providing that the revised code does not apply to any

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146 dispute involving child custody, visitation, or child
147 support; amending s. 731.401, F.S.; providing for
148 application of the act to an arbitration provision in
149 a will or trust; amending ss. 440.1926 and 489.1402,
150 F.S.; conforming cross-references; 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 to
161 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 an
168 award, alone or with others, in a controversy that is subject to
169 an agreement to arbitrate.

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

172 (4) "Knowledge" means actual knowledge.

173 (5) "Person" means an individual, corporation, business
174 trust, estate, trust, partnership, limited liability company,

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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 to
182 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 to
196 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

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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 an
207 action or proceeding commenced or right accrued before July 1,
208 2013.

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

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

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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 s.
259 682.14;

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

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262 (j) The validity of the Electronic Signatures in Global and
263 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 to
268 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

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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

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320 read:

321 682.03 Proceedings to compel and to stay arbitration.-

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

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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

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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 to
393 read:

394 682.031 Provisional remedies.—

395 (1) Before an arbitrator is appointed and is authorized and
396 able to act, the court, upon motion of a party to an arbitration
397 proceeding and for good cause shown, may enter an order for
398 provisional remedies to protect the effectiveness of the
399 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

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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 court
412 for a provisional remedy only if the matter is urgent and the
413 arbitrator is not able to act timely or the arbitrator cannot
414 provide an adequate remedy.

415 (3) A party does not waive a right of arbitration by making
416 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

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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 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 arise
450 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. Nothing in this section is intended or shall be
464 construed to affect commencing, maintaining, or certifying a

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465 claim or defense on behalf of a class or as a class action.

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

468 682.04 Appointment of arbitrators by court.—

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

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

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

476 (b) The agreed method fails;

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

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

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

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

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494 neutral.

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

497 682.041 Disclosure by arbitrator.—

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

505 (a) A financial or personal interest in the outcome of the
506 arbitration proceeding.

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

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

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

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

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

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

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

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

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

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

550 (1) An arbitrator or an arbitration organization acting in
551 that capacity is immune from civil liability to the same extent

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552 as a judge of a court of this state acting in a judicial
553 capacity.

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

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

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

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

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

573 (5) If a person commences a civil action against an
574 arbitrator, arbitration organization, or representative of an
575 arbitration organization arising from the services of the
576 arbitrator, organization, or representative or if a person seeks
577 to compel an arbitrator or a representative of an arbitration
578 organization to testify or produce records in violation of
579 subsection (4), and the court decides that the arbitrator,
580 arbitration organization, or representative of an arbitration

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581 organization is immune from civil liability or that the
582 arbitrator or representative of the organization is not
583 competent to testify, the court shall award to the arbitrator,
584 organization, or representative reasonable attorney fees and
585 other reasonable expenses of litigation.

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

588 682.06 Hearing.—

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

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

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610 ~~subject to like limitations thereon.~~

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

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

620 (a) If all interested parties agree; or

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

627 (3) If an arbitrator orders a hearing, the arbitrator shall
628 set a time and place and give notice of the hearing not less
629 than 5 days before the hearing begins. Unless a party to the
630 arbitration proceeding makes an objection to lack or
631 insufficiency of notice not later than the beginning of the
632 hearing, the party's appearance at the hearing waives the
633 objection. Upon request of a party to the arbitration proceeding
634 and for good cause shown, or upon the arbitrator's own
635 initiative, the arbitrator may adjourn the hearing from time to
636 time as necessary, but may not postpone the hearing to a time
637 later than that fixed by the agreement to arbitrate for making
638 the award unless the parties to the arbitration proceeding

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639 consent to a later date. The arbitrator may hear and decide the
640 controversy upon the evidence produced although a party who was
641 duly notified of the arbitration proceeding did not appear. The
642 court, on request, may direct the arbitrator to conduct the
643 hearing promptly and render a timely decision. ~~The hearing shall~~
644 ~~be conducted by all of the arbitrators but a majority may~~
645 ~~determine any question and render a final award. An umpire~~
646 ~~authorized to hear and decide the cause upon the failure of the~~
647 ~~arbitrators to agree upon an award shall sit with the~~
648 ~~arbitrators throughout their hearing but shall not be counted as~~
649 ~~a part of their quorum or in the making of their award. If,~~
650 ~~during the course of the hearing, an arbitrator for any reason~~
651 ~~ceases to act, the remaining arbitrator, arbitrators or umpire~~
652 ~~appointed to act as neutrals may continue with the hearing and~~
653 ~~determination of the controversy.~~

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

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

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

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

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

670 682.08 Witnesses, subpoenas, depositions.—

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

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

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697 ~~designated by them or her or him of a witness who cannot be~~
698 ~~subpoenaed or is unable to attend the hearing.~~

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

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

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

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

724 (7) The court may enforce a subpoena or discovery-related
725 order for the attendance of a witness within this state and for

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

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

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

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

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

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

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

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

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

763 682.09 Award.—

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

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

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

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

794 682.10 Change of award by arbitrators ~~or umpire.~~-

795 (1) On motion to an arbitrator by a party to an arbitration
796 proceeding, the arbitrator may modify or correct an 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, s.
809 682.13, 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

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

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

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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 to
863 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,~~

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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 to
876 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

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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~~

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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 to
956 read:

957 682.14 Modification or correction of award.—

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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 a motion ~~an application~~ to
981 vacate the award under s. 682.13.

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

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

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1016 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 to
1035 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

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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 same
1053 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 to
1057 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 to
1066 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. Subsection (2) of section 731.401, Florida
1071 Statutes, is amended to read:

1072 731.401 Arbitration of disputes.—

1073 (2) Unless otherwise specified in the will or trust, a will

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1074 or trust provision requiring arbitration shall be presumed to
1075 require binding arbitration under chapter 682, the Revised
1076 Florida Arbitration Code. If an arbitration enforceable under
1077 this section is governed under chapter 682, the arbitration
1078 provision in the will or trust shall be treated as an agreement
1079 for the purposes of applying chapter 682 s. ~~44.104~~.

1080 Section 38. Section 440.1926, Florida Statutes, is amended
1081 to read:

1082 440.1926 Alternate dispute resolution; claim arbitration.—
1083 Notwithstanding any other provision of this chapter, the
1084 employer, carrier, and employee may mutually agree to seek
1085 consent from a judge of compensation claims to enter into
1086 binding claim arbitration in lieu of any other remedy provided
1087 for in this chapter to resolve all issues in dispute regarding
1088 an injury. Arbitrations agreed to pursuant to this section shall
1089 be governed by chapter 682, the Revised Florida Arbitration
1090 Code, except that, notwithstanding any provision in chapter 682,
1091 the term "court" shall mean a judge of compensation claims. An
1092 arbitration award in accordance with this section is ~~shall be~~
1093 enforceable in the same manner and with the same powers as any
1094 final compensation order.

1095 Section 39. Paragraph (a) of subsection (1) of section
1096 489.1402, Florida Statutes, is amended to read:

1097 489.1402 Homeowners' Construction Recovery Fund;
1098 definitions.—

1099 (1) The following definitions apply to ss. 489.140-489.144:

1100 (a) "Arbitration" means alternative dispute resolution
1101 entered into between a claimant and a contractor either pursuant
1102 to a construction contract that contains a mandatory arbitration

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1103 clause or through any binding arbitration under chapter 682, the
1104 Revised Florida Arbitration Code.

1105 Section 40. This act shall take effect July 1, 2013.