

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A bill to be entitled  
 An act relating to arbitration; amending ss. 682.02,  
 682.03, and 682.18, F.S.; revising provisions relating to  
 the enforcement of arbitration agreements; providing for  
 enforceability of arbitration agreements made under the  
 Federal Arbitration Act; revising provisions relating to  
 grounds for refusing an order for arbitration; prohibiting  
 a court from refusing to enforce an arbitration agreement  
 or provision on specified grounds; providing an effective  
 date.

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

Section 1. Section 682.02, Florida Statutes, is amended to  
 read:

682.02 Arbitration agreements made valid, irrevocable, and  
 enforceable; scope.--Two or more parties may agree in writing to  
 submit to arbitration any controversy existing between them at  
 the time of the agreement, or they may include in a written  
 contract a provision for the settlement by arbitration of any  
 controversy thereafter arising between them relating to such  
 contract or the failure or refusal to perform the whole or any  
 part thereof. This section also applies to written interlocal  
 agreements under ss. 163.01 and 373.1962 in which two or more  
 parties agree to submit to arbitration any controversy between  
 them concerning water use permit applications and other matters,  
 regardless of whether or not the water management district with  
 jurisdiction over the subject application is a party to the

29 interlocal agreement or a participant in the arbitration. Such  
30 arbitration agreement or provision made under this act, the  
31 Federal Arbitration Act, 9 U.S.C. ss. 1 et seq., or the laws of  
32 any other state, territory, commonwealth, or foreign country  
33 shall be valid, enforceable, and irrevocable without regard to  
34 the justiciable character of the controversy or the legality of  
35 the contract; provided that, except as otherwise provided  
36 herein, this act shall not apply to any such agreement or  
37 provision to arbitrate in which it is stipulated that this law  
38 shall not apply or to any arbitration or award thereunder.

39 Section 2. Subsections (1) and (5) of section 682.03,  
40 Florida Statutes, are amended to read:

41 682.03 Proceedings to compel and to stay arbitration.--

42 (1) A party to an agreement or provision for arbitration  
43 subject to this law claiming the neglect or refusal of another  
44 party thereto to comply therewith may make application to the  
45 court for an order directing the parties to proceed with  
46 arbitration in accordance with the terms thereof. If the court  
47 is satisfied that no substantial issue exists as to the making  
48 of the arbitration agreement or provision, it shall grant the  
49 application. If the court shall find that a substantial issue is  
50 raised as to the making of the arbitration agreement or  
51 provision, it shall summarily hear and determine the issue and,  
52 according to its determination, shall grant or deny the  
53 application.

54 (5) An order for arbitration shall not be refused on the  
55 ground that the claim in issue lacks merit or bona fides,  
56 alleges the contract is voidable, illegal, or void ab initio, or

HB 1343

2005

57 | because any fault or grounds for the claim sought to be  
58 | arbitrated have not been shown.

59 |       Section 3. Subsection (3) is added to section 682.18,  
60 | Florida Statutes, to read:

61 |       682.18 Court defined~~definition~~; jurisdiction;  
62 | limitations.--

63 |       (3) No court shall refuse to enforce an otherwise valid  
64 | agreement or provision for arbitration made under this act, the  
65 | Federal Arbitration Act, 9 U.S.C. ss. 1 et seq., or the laws of  
66 | any other state, territory, commonwealth, or foreign country on  
67 | the ground that a contract to which the agreement or the  
68 | provision relates may be or is voidable, illegal, or void ab  
69 | initio.

70 |       Section 4. This act shall take effect July 1, 2005.