

By Senator Clary

4-1353A-05

1 A bill to be entitled
2 An act relating to arbitration; amending s.
3 682.02, F.S.; clarifying provisions governing
4 the application of arbitration agreements;
5 amending s. 682.03, F.S.; clarifying
6 provisions; prohibiting refusal of an order of
7 arbitration on the grounds that the claim
8 alleges a contract is voidable or illegal;
9 amending s. 682.18, F.S.; prohibiting a court
10 from refusing to enforce certain arbitration
11 agreements or provisions; providing an
12 effective date.

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

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

18 682.02 Arbitration agreements made valid, irrevocable,
19 and enforceable; scope.--Two or more parties may agree in
20 writing to submit to arbitration any controversy existing
21 between them at the time of the agreement, or they may include
22 in a written contract a provision for the settlement by
23 arbitration of any controversy thereafter arising between them
24 relating to such contract or the failure or refusal to perform
25 the whole or any part thereof. This section also applies to
26 written interlocal agreements under ss. 163.01 and 373.1962 in
27 which two or more parties agree to submit to arbitration any
28 controversy between them concerning water use permit
29 applications and other matters, regardless of whether or not
30 the water management district with jurisdiction over the
31 subject application is a party to the interlocal agreement or

1 a participant in the arbitration. Such agreement or provision
2 made pursuant to this act; the Federal Arbitration Act, 9
3 U.S.C. s. 1-14; or the laws of any other state, territory,
4 commonwealth, or country is ~~shall be~~ valid, enforceable, and
5 irrevocable without regard to the justiciable character of the
6 controversy or the legality of the agreement. However, except
7 as otherwise provided in this section; provided that this act
8 ~~does shall~~ not apply to any such agreement or provision to
9 arbitrate in which it is stipulated that this law shall not
10 apply or to any arbitration or award thereunder.

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

13 682.03 Proceedings to compel and to stay
14 arbitration.--

15 (1) A party to an agreement or provision for
16 arbitration subject to this law claiming the neglect or
17 refusal of another party thereto to comply therewith may make
18 application to the court for an order directing the parties to
19 proceed with arbitration in accordance with the terms thereof.
20 If the court is satisfied that no substantial issue exists as
21 to the making of the arbitration agreement or provision, it
22 shall grant the application. If the court finds ~~shall find~~
23 that a substantial issue is raised as to the making of the
24 arbitration agreement or provision, it shall summarily hear
25 and determine the issue and, according to its determination,
26 shall grant or deny the application.

27 (5) An order for arbitration shall not be refused on
28 the ground that the claim in issue lacks merit or bona fides,
29 that it alleges that the contract is voidable, illegal, or
30 void ab initio, or because any fault or grounds for the claim
31 sought to be arbitrated have not been shown.

1 Section 3. Subsection (3) is added to section 682.18,
2 Florida Statutes, to read:

3 682.18 Court; definition; jurisdiction.--

4 (3) A court may not refuse to enforce an otherwise
5 valid agreement or provision for arbitration made pursuant to
6 this act; the Federal Arbitration Act, 9 U.S.C. s. 1-14; or
7 the laws of any state, territory, commonwealth, or country on
8 the grounds that a contract to which the agreement or
9 provision relates may be illegal, voidable, or void ab initio.

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

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SENATE SUMMARY

Clarifies certain provisions relating to arbitration agreements. Prohibits a court from refusing to enforce certain arbitration agreements or provisions on the grounds that certain related contracts may be illegal, void, or voidable.