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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/03/2010	.	
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The Committee on Commerce (Gelber) recommended the following:

Senate Amendment

Delete lines 818 - 871

and insert:

additional award within 60 days of the request.

(4) The arbitral tribunal may extend, if necessary, the period of time within which it shall make a correction, interpretation, or additional award pursuant to subsection (1) or subsection (3).

(5) Section 684.0042, specifying the form and contents of an award, applies to a correction or interpretation of the award or to an additional award.

Section 45. Section 684.0045, Florida Statutes, is created



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14 to read:

15 684.0045 Immunity for arbitrators.—An arbitrator serving
16 under this chapter shall have judicial immunity in the same
17 manner and to the same extent as a judge.

18 Section 46. Section 684.0046, Florida Statutes, is created
19 to read:

20 684.0046 Application to set aside as exclusive recourse
21 against arbitral award.—

22 (1) Recourse to a court against an arbitral award may be
23 made only by an application to set aside an arbitral award
24 pursuant to subsections (2) and (3).

25 (2) An arbitral award may be set aside by the court
26 specified in s. 684.0008 only if:

27 (a) The party making the application furnishes proof that:

28 1. A party to the arbitration agreement defined in s.
29 684.0003(1)(c) was under some incapacity; the arbitration
30 agreement is not valid under the law to which the parties have
31 subjected it; or failing any indication thereon, under the law
32 of this state;

33 2. The party making the application was not given proper
34 notice of the appointment of an arbitrator or of the arbitral
35 proceedings or was otherwise unable to present its case;

36 3. The award deals with a dispute not contemplated by or
37 not falling within the terms of the submissions to arbitration,
38 or contains decisions on matters beyond the scope of the
39 submission to arbitration. However, if the decisions on matters
40 submitted to arbitration can be separated from those not so
41 submitted, only that part of the award which contains decisions
42 on matters not submitted to arbitration may be set aside; or



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43 4. The composition of the arbitral tribunal or the arbitral
44 procedure was not in accordance with the agreement of the
45 parties, unless such agreement was in conflict with a provision
46 of this chapter from which the parties may not derogate, or,
47 failing such agreement, was not in accordance with this chapter;
48 or

49 (b) The court finds that:

50 1. The subject matter of the dispute is not capable of
51 settlement by arbitration under the law of this state; or

52 2. The award is in conflict with the public policy of this
53 state.

54 (3) An application to set aside an arbitral award may not be
55 made after 3 months have elapsed after the date on which the
56 party making that application receives the award or, if a
57 request had been made under s. 684.0044, after 3 months have
58 elapsed after the date on which that request had been disposed
59 of by the arbitral tribunal.