

1                   A bill to be entitled  
2     An act relating to international commercial arbitration;  
3     creating s. 684.0001, F.S.; providing a short title;  
4     creating s. 684.0002, F.S.; defining the scope of  
5     application of the Florida International Commercial  
6     Arbitration Act; creating s. 684.0003, F.S.; defining  
7     terms; providing rules of interpretation for the act;  
8     creating s. 684.0004, F.S.; providing intent that the act  
9     be applied and interpreted with respect to its purpose;  
10    creating s. 684.0005, F.S.; specifying when a written  
11    communication is received; creating s. 684.0006, F.S.;  
12    specifying circumstances that constitute a waiver of the  
13    right to object; creating s. 684.0007, F.S.; limiting the  
14    ability of a court to intervene in an arbitral proceeding;  
15    creating s. 684.0008, F.S.; designating the circuit court  
16    in which an arbitration is or will be held as the court  
17    that may take certain actions authorized by the act;  
18    creating s. 684.0009, F.S.; requiring a court to refer  
19    matters governed by an arbitration agreement to  
20    arbitration; creating s. 684.001, F.S.; authorizing a  
21    court to grant an interim measure of protection before or  
22    during an arbitral proceeding; creating s. 684.0011, F.S.;  
23    authorizing the parties to an arbitration to determine the  
24    number of arbitrators; specifying the number of  
25    arbitrators for a proceeding if the number of arbitrators  
26    is not determined by the parties; creating s. 684.0012,  
27    F.S.; specifying procedures for the appointment of an  
28    arbitrator; creating s. 684.0013, F.S.; requiring a person

29 | who is approached to be an arbitrator to make disclosures  
30 | relating to conflicts of interest; authorizing the  
31 | appointment of an arbitrator to be challenged based on a  
32 | perceived conflict of interest or qualifications; creating  
33 | s. 684.0014, F.S.; providing procedures to challenge the  
34 | appointment of an arbitrator; creating s. 684.0015, F.S.;  
35 | providing for the termination of the mandate of an  
36 | arbitrator due to failure or impossibility to act;  
37 | creating s. 684.0016, F.S.; providing a procedure for the  
38 | appointment of a substitute arbitrator; creating s.  
39 | 684.0017, F.S.; authorizing an arbitral tribunal to  
40 | determine its jurisdiction; authorizing a court to  
41 | determine the jurisdiction of an arbitral tribunal;  
42 | creating s. 684.0018, F.S.; authorizing an arbitral  
43 | tribunal to grant an interim measure; creating s.  
44 | 684.0019, F.S.; specifying conditions under which an  
45 | interim measure may be granted; creating s. 684.002, F.S.;  
46 | specifying conditions under which an interim order may be  
47 | granted to prevent a party from frustrating the purpose of  
48 | an interim measure; creating s. 684.0021, F.S.; requiring  
49 | a party to be notified of information relating to an  
50 | interim measure or preliminary order; requiring that a  
51 | party be given an opportunity to object to a preliminary  
52 | order; creating s. 684.0022, F.S.; authorizing an arbitral  
53 | tribunal to modify, suspend, or terminate an interim  
54 | measure or preliminary order under certain circumstances;  
55 | creating s. 684.0023, F.S.; authorizing an arbitral  
56 | tribunal to require security as a condition of granting an

57 | interim measure; requiring security as a condition of  
58 | granting a preliminary order; creating s. 684.0024, F.S.;  
59 | requiring certain disclosures as a condition of granting  
60 | or maintaining an interim measure or preliminary order;  
61 | creating s. 684.0025, F.S.; providing for liability and an  
62 | award of costs and damages; creating s. 684.0026, F.S.;  
63 | providing for the recognition and enforcement of an  
64 | interim measure by a court; authorizing the court to  
65 | require security under certain circumstances; creating s.  
66 | 684.0027, F.S.; specifying grounds under which a court may  
67 | refuse to enforce an interim measure; creating s.  
68 | 684.0028, F.S.; authorizing a court to grant an interim  
69 | measure; creating s. 684.0029, F.S.; requiring parties to  
70 | an arbitral proceeding to be treated with equality and  
71 | given an opportunity to present their cases; creating s.  
72 | 684.003, F.S.; authorizing parties to an arbitration to  
73 | agree to arbitration procedures; providing default  
74 | procedures; creating s. 684.0031, F.S.; authorizing  
75 | parties to an arbitration to agree on the place of  
76 | arbitration; providing criteria to determine a default  
77 | location for the arbitration; creating s. 684.0032, F.S.;  
78 | specifying the date of commencement of an arbitral  
79 | proceeding; creating s. 684.0033, F.S.; authorizing  
80 | parties to an arbitration to agree on the language to be  
81 | used in the proceeding; authorizing the arbitral tribunal  
82 | to determine the language in the absence of a decision by  
83 | the parties; creating s. 684.0034, F.S.; providing for the  
84 | submission of claims and defenses to an arbitral tribunal;

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85 | creating s. 684.0035, F.S.; providing for the  
86 | determination of the method by which evidence will be  
87 | presented before an arbitral proceeding; creating s.  
88 | 684.0036, F.S.; specifying actions that constitute a  
89 | default by a party to an arbitral proceeding; creating s.  
90 | 684.0037, F.S.; authorizing an arbitral tribunal to  
91 | appoint an expert and for the parties to question and  
92 | present other experts to the tribunal's expert, unless  
93 | otherwise agreed by the parties; creating s. 684.0038,  
94 | F.S.; authorizing a party or an arbitral tribunal to  
95 | request the assistance of a court in taking evidence;  
96 | creating s. 684.0039, F.S.; providing for the choice of  
97 | law applicable in an arbitral proceeding; creating s.  
98 | 684.004, F.S.; specifying the number of arbitrators who  
99 | must make a decision, unless specified otherwise by the  
100 | parties; creating s. 684.0041, F.S.; authorizing the  
101 | parties to an arbitral proceeding to enter into a  
102 | settlement that is recorded as an award by the arbitral  
103 | tribunal; creating s. 684.0042, F.S.; specifying the form  
104 | and content of an arbitral award; creating s. 684.0043,  
105 | F.S.; specifying events that terminate or require an  
106 | arbitral tribunal to terminate an arbitral proceeding;  
107 | creating s. 684.0044, F.S.; authorizing an arbitral  
108 | tribunal to correct and interpret an arbitral award or  
109 | make an additional award under certain conditions;  
110 | creating s. 684.0045, F.S.; providing judicial immunity to  
111 | arbitrators acting under ch. 684, F.S.; creating s.  
112 | 684.0046, F.S.; specifying conditions under which a court

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113 | may set aside an arbitral award; creating s. 684.0047,  
 114 | F.S.; providing for the recognition and enforcement of  
 115 | arbitral awards by a court; creating s. 684.0048, F.S.;  
 116 | specifying grounds under which a court may refuse to  
 117 | recognize or enforce an arbitral award; repealing parts I,  
 118 | II, and III of ch. 684, F.S., which create the Florida  
 119 | International Arbitration Act and provide procedures for  
 120 | the conduct of international arbitrations and authorize  
 121 | court proceedings in connection with such arbitrations;  
 122 | providing an effective date.

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

126 | Section 1. Section 684.0001, Florida Statutes, is created  
 127 | to read:

128 | 684.0001 Short title.—This chapter may be cited as the  
 129 | "Florida International Commercial Arbitration Act."

130 | Section 2. Section 684.0002, Florida Statutes, is created  
 131 | to read:

132 | 684.0002 Scope of application.—

133 | (1) This chapter applies to international commercial  
 134 | arbitration, subject to any agreement in force between the  
 135 | United States of America and any other country or countries.

136 | (2) This chapter, except ss. 684.0009, 684.001, 684.0026,  
 137 | 684.0027, 684.0028, 684.0047, and 684.0048, applies only if the  
 138 | place of arbitration is in this state.

139 | (3) An arbitration is international if:

140 | (a) The parties to an arbitration agreement have, at the

141 time of the conclusion of that agreement, their places of  
 142 business in different countries;

143 (b) One of the following places is situated outside the  
 144 country in which the parties have their places of business:

145 1. The place of arbitration if determined in, or pursuant  
 146 to, the arbitration agreement; or

147 2. Any place where a substantial part of the obligations  
 148 of the commercial relationship are to be performed or the place  
 149 with which the subject matter of the dispute is most closely  
 150 connected; or

151 (c) The parties have expressly agreed that the subject  
 152 matter of the arbitration agreement relates to more than one  
 153 country.

154 (4) For the purposes of subsection (3):

155 (a) If a party has more than one place of business, the  
 156 place of business is that which has the closest relationship to  
 157 the arbitration agreement.

158 (b) If a party does not have a place of business,  
 159 reference shall be made to his or her habitual residence.

160 (5) This chapter does not affect any law that may prohibit  
 161 a matter from being resolved by arbitration or that specifies  
 162 the manner in which a specific matter may be submitted or  
 163 resolved by arbitration.

164 Section 3. Section 684.0003, Florida Statutes, is created  
 165 to read:

166 684.0003 Definitions and rules of interpretation.—

167 (1) As used in this chapter, the term:

168 (a) "Arbitral tribunal" means a sole arbitrator or panel

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169 of arbitrators.

170 (b) "Arbitration" means any arbitration whether or not  
171 administered by a permanent arbitral institution.

172 (c) "Arbitration agreement" means an agreement by the  
173 parties to submit to arbitration all or certain disputes that  
174 have arisen or may arise between them in respect of a defined  
175 legal relationship, whether contractual or not.

176 (d) "Court" means a circuit court of this state.

177 (2) A provision of this chapter, except s. 684.0038, which  
178 leaves the parties free to determine a certain issue, includes  
179 the right of the parties to authorize a third party, including  
180 an institution, to make that determination.

181 (3) A provision of this chapter which refers to the fact  
182 that the parties have agreed or that they may agree to a  
183 procedure refers to an agreement of the parties. The agreement  
184 includes any arbitration rules referenced in that agreement.

185 (4) A provision of this chapter, other than in s.  
186 684.0036(1) or s. 684.0043(2)(a), which refers to a claim also  
187 applies to a counter claim, and a provision that refers to a  
188 defense also applies to a defense to such counter claim.

189 Section 4. Section 684.0004, Florida Statutes, is created  
190 to read:

191 684.0004 International origin and general principles.—

192 (1) This chapter shall be interpreted with regard to its  
193 international origin and to the need to promote uniformity in  
194 its application and the observance of good faith.

195 (2) Questions concerning matters governed by this chapter  
196 which are not expressly settled pursuant to it shall be settled

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197 in conformity with the general principles on which this chapter  
 198 is based.

199 Section 5. Section 684.0005, Florida Statutes, is created  
 200 to read:

201 684.0005 Receipt of written communications.—

202 (1) Unless otherwise agreed by the parties, a written  
 203 communication is deemed to be received if it is delivered to the  
 204 addressee personally or if it is delivered to the addressee's  
 205 place of business, habitual residence, or mailing address. If  
 206 one of these locations cannot be found after a reasonable  
 207 inquiry, the written communication is deemed to be received if  
 208 it is sent to the addressee's last known place of business,  
 209 habitual residence, or mailing address by registered letter or  
 210 any other means that provides a record of the attempt to deliver  
 211 it. The communication is deemed to be received on the day it is  
 212 delivered.

213 (2) This section does not apply to communications in court  
 214 proceedings.

215 Section 6. Section 684.0006, Florida Statutes, is created  
 216 to read:

217 684.0006 Waiver of right to object.—A party who knows that  
 218 any provision of this chapter from which the parties may  
 219 derogate or any requirement under the arbitration agreement has  
 220 not been complied with and yet proceeds with the arbitration  
 221 without stating his or her objection to such noncompliance  
 222 without undue delay or, if a time limit is provided to object,  
 223 within such period of time, shall be deemed to have waived his  
 224 or her right to object.



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225 Section 7. Section 684.0007, Florida Statutes, is created  
 226 to read:

227 684.0007 Extent of court intervention.—In matters governed  
 228 by this chapter, a court may not intervene except to the extent  
 229 authorized by this chapter.

230 Section 8. Section 684.0008, Florida Statutes, is created  
 231 to read:

232 684.0008 Court or other authority for certain functions of  
 233 arbitration assistance and supervision.—The functions referenced  
 234 in ss. 684.0012(3) and (4), 684.0013(3), 684.0014, 684.0015(3),  
 235 684.0017(3), and 684.0046(2) shall be performed by the circuit  
 236 court in the county in which the seat of the arbitration is  
 237 located.

238 Section 9. Section 684.0009, Florida Statutes, is created  
 239 to read:

240 684.0009 Arbitration agreement and substantive claim  
 241 before court.—

242 (1) A court before which an action is brought in a matter  
 243 that is the subject of an arbitration agreement shall, if a  
 244 party so requests not later than when submitting its first  
 245 statement on the substance of the dispute, refer the parties to  
 246 arbitration unless it finds that the agreement is null and void,  
 247 inoperative, or incapable of being performed.

248 (2) If an action described in subsection (1) has been  
 249 brought, arbitral proceedings may nevertheless be commenced or  
 250 continued, and an award may be made, while the issue is pending  
 251 before the court.

252 Section 10. Section 684.001, Florida Statutes, is created

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253 to read:

254 684.001 Arbitration agreement and interim measures by a  
 255 court.—It is not incompatible with an arbitration agreement for  
 256 a party to request from a court, before or during arbitral  
 257 proceedings, an interim measure of protection and for a court to  
 258 grant such a measure.

259 Section 11. Section 684.0011, Florida Statutes, is created  
 260 to read:

261 684.0011 Number of arbitrators.—

262 (1) The parties may determine the number of arbitrators.

263 (2) If the parties fail to determine the number of  
 264 arbitrators, the number of arbitrators shall be three.

265 Section 12. Section 684.0012, Florida Statutes, is created  
 266 to read:

267 684.0012 Appointment of arbitrators.—

268 (1) A person is not precluded by reason of his or her  
 269 nationality from acting as an arbitrator, unless otherwise  
 270 agreed by the parties.

271 (2) The parties may agree on a procedure of appointing the  
 272 arbitrator or arbitrators, subject to subsections (4) and (5).

273 (3) Failing such agreement:

274 (a) In an arbitration having three arbitrators, each party  
 275 shall appoint one arbitrator, and the two arbitrators thus  
 276 appointed shall appoint the third arbitrator. If a party fails  
 277 to appoint the arbitrator within 30 days after receipt of a  
 278 request to do so from the other party, or if the two arbitrators  
 279 fail to agree on the third arbitrator within 30 days after their  
 280 appointment, the appointment shall be made, upon request of a

281 party, by the court or other authority specified in s. 684.0008.

282 (b) In an arbitration having a single arbitrator, if the  
 283 parties are unable to agree on the arbitrator, the arbitrator  
 284 shall be appointed, upon request of a party, by the court or  
 285 other authority specified in s. 684.0008.

286 (4) If, under an appointment procedure agreed upon by the  
 287 parties:

288 (a) A party fails to act as required under such procedure;

289 (b) The parties, or two arbitrators, are unable to reach  
 290 an agreement under such procedure; or

291 (c) A third party, including an institution, fails to  
 292 perform any function entrusted to it under such procedure,

293  
 294 any party may request the court or other authority specified in  
 295 s. 684.0008 to take the necessary measure, unless the agreement  
 296 on the appointment procedure provides other means for securing  
 297 the appointment.

298 (5) A decision on a matter entrusted by subsection (3) or  
 299 subsection (4) to the court or other authority specified in s.  
 300 684.0008 is not appealable. The court or other authority, in  
 301 appointing an arbitrator, shall have due regard to any  
 302 qualifications required by the arbitrator by the agreement of  
 303 the parties and to such considerations that are likely to secure  
 304 the appointment of an independent and impartial arbitrator. In  
 305 the case of the appointment of a sole or third arbitrator, the  
 306 court or other authority shall take into account the  
 307 advisability of appointing an arbitrator of a nationality other  
 308 than those of the parties.

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309 Section 13. Section 684.0013, Florida Statutes, is created  
 310 to read:

311 684.0013 Grounds for challenge.—

312 (1) When a person is approached in connection with a  
 313 possible appointment as an arbitrator, the person must disclose  
 314 any circumstances likely to give rise to justifiable doubts as  
 315 to the person's impartiality or independence. An arbitrator,  
 316 from the time of appointment and throughout the arbitral  
 317 proceedings, shall disclose any such circumstances to the  
 318 parties without delay, unless they have already been informed of  
 319 them by him or her.

320 (2) An arbitrator may be challenged only if circumstances  
 321 exist that give rise to justifiable doubts as to the  
 322 arbitrator's impartiality or independence, or if the arbitrator  
 323 does not possess qualifications agreed to by the parties. A  
 324 party may challenge an arbitrator appointed by it, or in whose  
 325 appointment the party participated, only for reasons of which  
 326 the party became aware after the appointment was made.

327 Section 14. Section 684.0014, Florida Statutes, is created  
 328 to read:

329 684.0014 Challenge procedure.—

330 (1) The parties may agree on a procedure for challenging  
 331 an arbitrator, subject to subsection (3).

332 (2) Failing such agreement, a party who intends to  
 333 challenge an arbitrator shall, within 15 days after becoming  
 334 aware of the constitution of the arbitral tribunal or after  
 335 becoming aware of any circumstance described in s. 684.0013(2),  
 336 send a written statement of the reasons for the challenge to the

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337 arbitral tribunal. Unless the challenged arbitrator withdraws  
338 from his or her office or the other party agrees to the  
339 challenge, the arbitral tribunal shall decide on the challenge.

340 (3) If a challenge under any procedure agreed upon by the  
341 parties or pursuant to subsection (2) is not successful, the  
342 challenging party may request, within 30 days after having  
343 received notice of the decision rejecting the challenge, the  
344 court or other authority specified in s. 684.0008 to decide on  
345 the challenge. The decision of the court is not appealable.  
346 While such a request is pending, the arbitral tribunal,  
347 including the challenged arbitrator, may continue the arbitral  
348 proceedings and make an award.

349 Section 15. Section 684.0015, Florida Statutes, is created  
350 to read:

351 684.0015 Failure or impossibility to act.-

352 (1) If an arbitrator becomes de jure or de facto unable to  
353 perform his or her functions or for other reasons fails to act  
354 without undue delay, his or her mandate terminates if he or she  
355 withdraws from office or if the parties agree on the  
356 termination. Otherwise, if a controversy remains concerning any  
357 of these grounds, any party may request the court or other  
358 authority specified in s. 684.0008 to decide on the termination  
359 of the mandate. The decision of the court is not appealable.

360 (2) If, under this section or s. 684.0014(2), an  
361 arbitrator withdraws from his or her office or a party agrees to  
362 the termination of the mandate of an arbitrator, such actions do  
363 not imply the acceptance of the validity of any ground described  
364 in this section or in s. 684.0013(2).

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365 Section 16. Section 684.0016, Florida Statutes, is created  
366 to read:

367 684.0016 Appointment of substitute arbitrator.—If the  
368 mandate of an arbitrator terminates pursuant to s. 684.0014 or  
369 s. 684.0015 or because of his or her withdrawal from office for  
370 any other reason or because of the revocation of the mandate by  
371 agreement of the parties or in any other case of termination of  
372 the mandate, a substitute arbitrator shall be appointed pursuant  
373 to the rules that applied to the appointment of the arbitrator  
374 being replaced.

375 Section 17. Section 684.0017, Florida Statutes, is created  
376 to read:

377 684.0017 Competence of arbitral tribunal to rule on its  
378 jurisdiction.—

379 (1) The arbitral tribunal may rule on its own  
380 jurisdiction, including any objections with respect to the  
381 existence or validity of the arbitration agreement. For that  
382 purpose, an arbitration clause that forms part of a contract  
383 shall be treated as an agreement independent of the other terms  
384 of the contract. A decision by the arbitral tribunal that the  
385 contract is not valid does not entail ipso jure the invalidity  
386 of the arbitration clause.

387 (2) A plea that the arbitral tribunal does not have  
388 jurisdiction must be raised not later than the submission of the  
389 statement of defense. A party is not precluded from raising such  
390 a plea by the fact that the party appointed, or participated in  
391 the appointment of, an arbitrator. A plea that the arbitral  
392 tribunal is exceeding the scope of its authority must be raised

393 as soon as the matter alleged to be beyond the scope of its  
 394 authority is raised during the arbitral proceedings. The  
 395 arbitral tribunal may, in either case, admit a later plea it if  
 396 considers the delay justified.

397 (3) The arbitral tribunal may rule on a plea referenced in  
 398 subsection (2) as a preliminary question or in an award on the  
 399 merits. If the arbitral tribunal rules as a preliminary question  
 400 that it has jurisdiction, any party may request, within 30 days  
 401 after receiving notice of that ruling, that the court specified  
 402 in s. 684.0008 decide the matter. The decision of the court is  
 403 not appealable. While such a request is pending, the arbitral  
 404 tribunal may continue the arbitral proceedings and make an  
 405 award.

406 Section 18. Section 684.0018, Florida Statutes, is created  
 407 to read:

408 684.0018 Power of arbitral tribunal to order interim  
 409 measures.—Unless otherwise agreed by the parties, the arbitral  
 410 tribunal may, at the request of a party, grant interim measures.  
 411 An interim measure is any temporary measure, whether in the form  
 412 of an award or in another form, by which, at any time before the  
 413 issuance of the award by which the dispute is finally decided,  
 414 the arbitral tribunal orders a party to:

415 (1) Maintain or restore the status quo pending  
 416 determination of the dispute;

417 (2) Take action to prevent, or refrain from taking action  
 418 that is likely to cause, current or imminent harm or prejudice  
 419 to the arbitral process;

420 (3) Provide a means of preserving assets out of which a

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421 subsequent award may be satisfied; or

422 (4) Preserve evidence that may be relevant and material to  
423 the resolution of the dispute.

424 Section 19. Section 684.0019, Florida Statutes, is created  
425 to read:

426 684.0019 Conditions for granting interim measures.—

427 (1) The party requesting an interim measure under s.  
428 684.0018 must satisfy the arbitral tribunal that:

429 (a) Harm not adequately reparable by an award of damages  
430 is likely to result if the measure is not ordered, and such harm  
431 substantially outweighs the harm that is likely to result to the  
432 party against whom the measure is directed if the measure is  
433 granted; and

434 (b) A reasonable possibility exists that the requesting  
435 party will succeed on the merits of the claim. The determination  
436 on this possibility does not affect the discretion of the  
437 arbitral tribunal in making any subsequent determination.

438 (2) With regard to a request for an interim measure under  
439 s. 684.0018, the requirements in subsection (1) apply only to  
440 the extent the arbitral tribunal considers appropriate.

441 Section 20. Section 684.002, Florida Statutes, is created  
442 to read:

443 684.002 Applications for preliminary orders and conditions  
444 for granting preliminary orders.—

445 (1) Unless otherwise agreed by the parties, a party may,  
446 without notice to any other party, make a request for an interim  
447 measure together with an application for a preliminary order  
448 prohibiting a party from frustrating the purpose of the interim



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449 measure requested.

450 (2) The arbitral tribunal may grant a preliminary order if  
451 it considers that prior disclosure of the request for the  
452 interim measure to the party against whom it is directed risks  
453 frustrating the purpose of the measure.

454 (3) The conditions described in s. 684.0019 apply to any  
455 preliminary order if the harm assessed under s. 684.0019(1)(a)  
456 is the harm likely to result from the order being granted or not  
457 granted.

458 Section 21. Section 684.0021, Florida Statutes, is created  
459 to read:

460 684.0021 Specific regime for preliminary orders.—

461 (1) Immediately after the arbitral tribunal makes a  
462 determination in respect of an application for a preliminary  
463 order, the arbitral tribunal shall give notice to all parties of  
464 the request for the interim measure, the application for the  
465 preliminary order, the preliminary order, if any, and all other  
466 communications. The notice shall include a description of the  
467 content of any oral communication between any party and the  
468 arbitral tribunal in relation to any such request or  
469 application.

470 (2) At the same time, the arbitral tribunal shall give an  
471 opportunity to any party against whom a preliminary order is  
472 directed to present its case at the earliest practicable time.

473 (3) The arbitral tribunal must decide promptly on any  
474 objection to the preliminary order.

475 (4) A preliminary order expires 20 days after the date on  
476 which it was issued by the arbitral tribunal. However, the

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477 arbitral tribunal may issue an interim measure adopting or  
478 modifying the preliminary order after the party against whom the  
479 preliminary order is directed is given notice and an opportunity  
480 to present its case.

481 (5) A preliminary order is binding on the parties but is  
482 not enforceable by a court. Such a preliminary order does not  
483 constitute an award.

484 Section 22. Section 684.0022, Florida Statutes, is created  
485 to read:

486 684.0022 Modification, suspension, or termination; interim  
487 measure or preliminary order.—The arbitral tribunal may modify,  
488 suspend, or terminate an interim measure or a preliminary order  
489 it has granted upon application of any party or, in exceptional  
490 circumstances and upon prior notice to the parties, on the  
491 arbitral tribunal's own initiative.

492 Section 23. Section 684.0023, Florida Statutes, is created  
493 to read:

494 684.0023 Provision of security.—

495 (1) The arbitral tribunal may require the party requesting  
496 an interim measure to provide appropriate security in connection  
497 with the measure.

498 (2) The arbitral tribunal shall require the party applying  
499 for a preliminary order to provide security in connection with  
500 the order unless the arbitral tribunal considers it  
501 inappropriate or unnecessary to do so.

502 Section 24. Section 684.0024, Florida Statutes, is created  
503 to read:

504 684.0024 Disclosure.—

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505       (1) The arbitral tribunal may require any party promptly  
506 to disclose any material change in the circumstances on the  
507 basis of which the interim measure was requested or granted.

508       (2) The party applying for a preliminary order shall  
509 disclose to the arbitral tribunal all circumstances that are  
510 likely to be relevant to the arbitral tribunal's determination  
511 whether to grant or maintain the order, and such obligation  
512 continues until the party against whom the order has been  
513 requested has had an opportunity to present its case.  
514 Thereafter, subsection (1) applies.

515       Section 25. Section 684.0025, Florida Statutes, is created  
516 to read:

517       684.0025 Costs and damages.—The party requesting an  
518 interim measure or applying for a preliminary order is liable  
519 for any costs and damages caused by the measure or the order to  
520 any party if the arbitral tribunal later determines that the  
521 measure or the order should not have been granted. The arbitral  
522 tribunal may award such costs and damages at any point during  
523 the proceedings.

524       Section 26. Section 684.0026, Florida Statutes, is created  
525 to read:

526       684.0026 Recognition and enforcement.—

527       (1) An interim measure issued by an arbitral tribunal  
528 shall be recognized as binding and, unless otherwise provided by  
529 the arbitral tribunal, enforced upon application to the  
530 competent court, irrespective of the country in which it was  
531 issued, subject to s. 684.0019(1).

532       (2) The party who is seeking or has obtained recognition

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533 or enforcement of an interim measure shall promptly inform the  
 534 court of the termination, suspension, or modification of the  
 535 interim measure.

536 (3) The court where recognition or enforcement is sought  
 537 may, if it considers it proper, order the requesting party to  
 538 provide appropriate security if the arbitral tribunal has not  
 539 already made a determination with respect to security or if such  
 540 a decision is necessary to protect the rights of third parties.

541 Section 27. Section 684.0027, Florida Statutes, is created  
 542 to read:

543 684.0027 Grounds for refusing recognition or enforcement.—

544 (1) Recognition or enforcement of an interim measure may  
 545 be refused only:

546 (a) At the request of the party against whom it is invoked  
 547 if the court is satisfied that:

548 1. Such refusal is warranted on the grounds set forth in  
 549 s. 684.0048(1)(a)1., 2., 3., or 4.;

550 2. The arbitral tribunal's decision with respect to the  
 551 provision of security in connection with the interim measure  
 552 issued by the arbitral tribunal has not been complied with; or

553 3. The interim measure was terminated or suspended by the  
 554 arbitral tribunal or, if so empowered, by the court of the state  
 555 or country in which the arbitration takes place or under the law  
 556 of which that interim measure was granted; or

557 (b) If the court finds that:

558 1. The interim measure is incompatible with the powers  
 559 conferred upon the court, unless the court decides to  
 560 reformulate the interim measure to the extent necessary to adapt

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561 it to its own powers and procedures for the purpose of enforcing  
 562 that interim measure and without modifying its substance; or

563 2. Any of the grounds set forth in s. 684.0048(1)(b)1. or  
 564 2. apply to the recognition and enforcement of the interim  
 565 measure.

566 (2) A determination made by the court on any ground in  
 567 subsection (1) is effective only for the purposes of the  
 568 application to recognize and enforce the interim measure. The  
 569 court may not in making that determination undertake a review of  
 570 the substance of the interim measure.

571 Section 28. Section 684.0028, Florida Statutes, is created  
 572 to read:

573 684.0028 Court-ordered interim measures.—A court has the  
 574 same power of issuing an interim measure in relation to  
 575 arbitration proceedings, irrespective of whether the arbitration  
 576 proceedings are held in this state, as it has in relation to the  
 577 proceedings in courts. The court shall exercise such power in  
 578 accordance with its own procedures and in consideration of the  
 579 specific features of international arbitration.

580 Section 29. Section 684.0029, Florida Statutes, is created  
 581 to read:

582 684.0029 Equal treatment of parties.—The parties shall be  
 583 treated with equality and each party shall be given a full  
 584 opportunity of presenting its case.

585 Section 30. Section 684.003, Florida Statutes, is created  
 586 to read:

587 684.003 Determination of rules of procedure.—Subject to  
 588 the provisions of this chapter, the parties may agree on the

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589 procedure to be followed by the arbitral tribunal in conducting  
590 the proceedings. Failing such agreement, the arbitral tribunal  
591 may, subject to the provisions of this chapter, conduct the  
592 arbitration in such manner as it considers appropriate. The  
593 power conferred upon the arbitral tribunal includes the power to  
594 determine the admissibility, relevance, materiality, and weight  
595 of evidence.

596 Section 31. Section 684.0031, Florida Statutes, is created  
597 to read:

598 684.0031 Place of arbitration.—

599 (1) The parties may agree on the place of arbitration.

600 Failing such agreement, the place of arbitration shall be  
601 determined by the arbitral tribunal having regard to the  
602 circumstances of the case, including the convenience of the  
603 parties.

604 (2) Notwithstanding subsection (1), the arbitral tribunal  
605 may, unless otherwise agreed by the parties, meet at any place  
606 it considers appropriate for consultation among its members, for  
607 hearing witnesses, experts, or the parties, or for inspection of  
608 goods, other property, or documents.

609 Section 32. Section 684.0032, Florida Statutes, is created  
610 to read:

611 684.0032 Commencement of arbitral proceedings.—Unless  
612 otherwise agreed by the parties, the arbitral proceedings in  
613 respect of a particular dispute commence on the date on which a  
614 request for that dispute to be referred to an arbitration is  
615 received by the respondent.

616 Section 33. Section 684.0033, Florida Statutes, is created

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617 to read:

618 684.0033 Language.—

619 (1) The parties may agree on the language or languages to  
620 be used in the arbitral proceedings. Failing such agreement, the  
621 arbitral tribunal shall specify the language or languages to be  
622 used in the proceedings. This agreement or determination, unless  
623 otherwise specified therein, applies to any written statement by  
624 a party, any hearing, and any award, decision, or other  
625 communication by the arbitral tribunal.

626 (2) The arbitral tribunal may order that any documentary  
627 evidence be accompanied by a translation into the language or  
628 languages agreed upon by the parties or specified by the  
629 arbitral tribunal.

630 Section 34. Section 684.0034, Florida Statutes, is created  
631 to read:

632 684.0034 Statements of claim and defense.—

633 (1) Within the period of time agreed by the parties or  
634 specified by the arbitral tribunal, the claimant shall state the  
635 facts supporting its claim, the points at issue, and the relief  
636 or remedy sought, and the respondent shall state its defense to  
637 the claim, unless the parties have otherwise agreed as to the  
638 required elements of such statements. The parties may submit  
639 with their statements all documents they consider to be relevant  
640 or may add a reference to the documents or other evidence they  
641 will submit.

642 (2) Unless otherwise agreed by the parties, either party  
643 may amend or supplement its claim or defense during the course  
644 of the arbitral proceedings, unless the arbitral tribunal

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645 considers it inappropriate to allow such amendment having regard  
 646 to the delay in making it.

647 Section 35. Section 684.0035, Florida Statutes, is created  
 648 to read:

649 684.0035 Hearings and written proceedings.—

650 (1) Subject to any contrary agreement by the parties, the  
 651 arbitral tribunal shall decide whether to hold oral hearings for  
 652 the presentation of evidence or for oral argument, or whether  
 653 the proceedings shall be conducted on the basis of documents and  
 654 other materials. However, unless the parties have agreed that no  
 655 hearings will be held, the arbitral tribunal shall hold such  
 656 hearings at an appropriate stage of the proceedings, if so  
 657 requested by a party.

658 (2) The parties shall be given sufficient advance notice  
 659 of any hearing and of any meeting of the arbitral tribunal for  
 660 the purposes of inspection of goods, other property, or  
 661 documents.

662 (3) All statements, documents, or other information  
 663 supplied to the arbitral tribunal by one party shall be provided  
 664 to the other party. Also, any expert report or evidentiary  
 665 document on which the arbitral tribunal may rely in making its  
 666 decision shall be provided to the parties.

667 Section 36. Section 684.0036, Florida Statutes, is created  
 668 to read:

669 684.0036 Default of a party.—Unless otherwise agreed by  
 670 the parties, if, without showing sufficient cause:

671 (1) The claimant fails to provide its statement of claim  
 672 pursuant to s. 684.0034(1), the arbitral tribunal shall



673 terminate the proceedings.

674 (2) The respondent fails to communicate its statement of  
 675 defense pursuant to s. 684.0034(1), the arbitral tribunal shall  
 676 continue the proceedings without treating such failure in itself  
 677 as an admission of the claimant's allegations.

678 (3) A party fails to appear at a hearing or to produce  
 679 documentary evidence, the arbitral tribunal may continue the  
 680 proceedings and make the award on the evidence before it.

681 Section 37. Section 684.0037, Florida Statutes, is created  
 682 to read:

683 684.0037 Expert appointed by arbitral tribunal.—

684 (1) Unless otherwise agreed by the parties, the arbitral  
 685 tribunal may:

686 (a) Appoint one or more experts to report to it on  
 687 specific issues to be determined by the arbitral tribunal.

688 (b) Require a party to give the expert any relevant  
 689 information or produce or provide access to any relevant  
 690 documents, goods, or other property for inspection by the  
 691 expert.

692 (2) Unless otherwise agreed by the parties, if a party so  
 693 requests or if the arbitral tribunal considers it necessary, the  
 694 expert shall, after delivery of a written or oral report,  
 695 participate in a hearing in which the parties have the  
 696 opportunity to question the expert and to present expert  
 697 witnesses in order to testify on the points at issue.

698 Section 38. Section 684.0038, Florida Statutes, is created  
 699 to read:

700 684.0038 Court assistance in taking evidence.—The arbitral

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701 tribunal, or a party upon the approval of the arbitral tribunal,  
 702 may request assistance in taking evidence from a competent court  
 703 of this state. The court may execute the request within its  
 704 competence and according to its rules on taking evidence.

705 Section 39. Section 684.0039, Florida Statutes, is created  
 706 to read:

707 684.0039 Rules applicable to substance of dispute.-

708 (1) The arbitral tribunal shall decide the dispute  
 709 pursuant to the rules of law chosen by the parties to apply to  
 710 the substance of the dispute. Any designation of the law or  
 711 legal system of a state or country shall be construed, unless  
 712 otherwise expressed, as directly referring to the substantive  
 713 law of that state or country and not to its conflict-of-laws  
 714 rule.

715 (2) Failing any designation by the parties, the arbitral  
 716 tribunal shall apply the law determined by the conflict-of-laws  
 717 rules that it considers applicable.

718 (3) The arbitral tribunal shall decide ex aequo et bono or  
 719 as amiable compositeur, only if the parties have expressly  
 720 authorized it to do so.

721 (4) In all cases, the arbitral tribunal shall decide in  
 722 accordance with the terms of the contract and shall take into  
 723 account the usages of the trade which apply to the transaction.

724 Section 40. Section 684.004, Florida Statutes, is created  
 725 to read:

726 684.004 Decisionmaking by panel of arbitrators.-In  
 727 arbitral proceedings having more than one arbitrator, any  
 728 decision of the arbitral tribunal shall be made, unless

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729 otherwise agreed by the parties, by a majority of all its  
730 members. However, questions of procedure may be decided by a  
731 presiding arbitrator, if so authorized by the parties or all  
732 members of the arbitral tribunal.

733 Section 41. Section 684.0041, Florida Statutes, is created  
734 to read:

735 684.0041 Settlement.-

736 (1) If, during arbitral proceedings, the parties settle  
737 the dispute, the arbitral tribunal shall terminate the  
738 proceedings and, if requested by the parties and not objected to  
739 by the arbitral tribunal, record the settlement in the form of  
740 an arbitral award on agreed terms.

741 (2) An award on agreed terms shall be made pursuant to s.  
742 684.0042 and shall state that it is an award. Such an award has  
743 the same status and effect as any other award on the merits of  
744 the case.

745 Section 42. Section 684.0042, Florida Statutes, is created  
746 to read:

747 684.0042 Form and contents of award.-

748 (1) The award shall be made in writing and shall be signed  
749 by the arbitrator or arbitrators. In arbitral proceedings having  
750 more than one arbitrator, the signatures of the majority of all  
751 members of the arbitral tribunal shall suffice, if the reason  
752 for any omitted signature is stated.

753 (2) The award shall state the reasons upon which it is  
754 based, unless the parties have agreed that no reasons are to be  
755 given or the award is an award on agreed terms under s.  
756 684.0041.

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757       (3) The award shall state its date and the place of  
758 arbitration as determined pursuant to s. 684.0031(1). The award  
759 shall be deemed to have been made at that place.

760       (4) After the award is made, a copy signed by the  
761 arbitrators pursuant to subsection (1) shall be delivered to  
762 each party.

763       Section 43. Section 684.0043, Florida Statutes, is created  
764 to read:

765       684.0043 Termination of proceedings.-

766       (1) Arbitral proceedings are terminated by the final award  
767 or by an order of the arbitral tribunal pursuant to subsection  
768 (2).

769       (2) The arbitral tribunal shall issue an order for the  
770 termination of the arbitral proceedings when:

771       (a) The claimant withdraws its claim, unless the  
772 respondent objects to the withdrawal of the claim and the  
773 arbitral tribunal recognizes that the respondent has a  
774 legitimate interest in obtaining a final settlement of the  
775 dispute;

776       (b) The parties agree on the termination of the  
777 proceedings; or

778       (c) The arbitral tribunal finds that the continuation of  
779 the proceedings has for any other reason become unnecessary or  
780 impossible.

781       (3) The mandate of the arbitral tribunal terminates with  
782 the termination of the arbitral proceedings, subject to ss.  
783 684.0044 and 684.0046(4).

784       Section 44. Section 684.0044, Florida Statutes, is created

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785 to read:

786 684.0044 Correction and interpretation of award;  
787 additional award.-

788 (1) (a) Within 30 days after receipt of the award, unless  
789 another period of time has been agreed upon by the parties:

790 1. A party, with notice to the other party, may request  
791 the arbitral tribunal to correct in the award any errors in  
792 computation, any clerical or typographical errors, or any errors  
793 of similar nature.

794 2. If so agreed by the parties, a party, with notice to  
795 the other party, may request the arbitral tribunal to give an  
796 interpretation of a specific point or part of the award.

797 (b) If the arbitral tribunal considers the request to be  
798 justified, it shall make the correction or give the  
799 interpretation within 30 days after the request. The  
800 interpretation becomes part of the award.

801 (2) The arbitral tribunal may correct any error described  
802 in subparagraph (1) (a)1. on its own initiative within 30 days  
803 after the date of the award.

804 (3) Unless otherwise agreed by the parties, a party, with  
805 notice to the other party, may request, within 30 days after the  
806 receipt of the award, the arbitral tribunal to make an  
807 additional award as to claims presented in the arbitral  
808 proceedings but omitted from the award. If the arbitral tribunal  
809 considers the request to be justified, it shall make the  
810 additional award within 60 days.

811 (4) The arbitral tribunal may extend, if necessary, the  
812 period of time within which it shall make a correction,

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813 interpretation, or additional award pursuant to subsection (1)  
 814 or subsection (3).

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

818 Section 45. Section 684.0045, Florida Statutes, is created  
 819 to read:

820 684.0045 Immunity for arbitrators.—An arbitrator serving  
 821 under this chapter shall have judicial immunity in the same  
 822 manner and to the same extent as a judge.

823 Section 46. Section 684.0046, Florida Statutes, is created  
 824 to read:

825 684.0046 Application to set aside as exclusive recourse  
 826 against arbitral award.—

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

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

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

833 1. A party to the arbitration agreement defined in s.  
 834 684.0003(1)(c) was under some incapacity or the arbitration  
 835 agreement is not valid under the law to which the parties have  
 836 subjected it or, failing any indication thereon, under the law  
 837 of this state;

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

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841       3. The award deals with a dispute not contemplated by or  
842 not falling within the terms of the submissions to arbitration,  
843 or contains decisions on matters beyond the scope of the  
844 submission to arbitration. However, if the decisions on matters  
845 submitted to arbitration can be separated from those not so  
846 submitted, only that part of the award which contains decisions  
847 on matters not submitted to arbitration may be set aside; or

848       4. The composition of the arbitral tribunal or the  
849 arbitral procedure was not in accordance with the agreement of  
850 the parties, unless such agreement was in conflict with a  
851 provision of this chapter from which the parties may not  
852 derogate, or, failing such agreement, was not in accordance with  
853 this chapter; or

854       (b) The court finds that:

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

857       2. The award is in conflict with the public policy of this  
858 state.

859       (3) An application to set aside an arbitral award may not  
860 be made after 3 months have elapsed after the date on which the  
861 party making that application receives the award or, if a  
862 request had been made under s. 684.0044, after the date on which  
863 that request had been disposed of by the arbitral tribunal.

864       (4) The court, when asked to set aside an award, may, if  
865 appropriate and so requested by a party, suspend the proceedings  
866 to set aside the award for a period of time determined by it in  
867 order to give the arbitral tribunal an opportunity to resume the  
868 arbitral proceedings or to take such other action as in the

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869 arbitral tribunal's opinion will eliminate the grounds to set  
870 aside the award.

871 Section 47. Section 684.0047, Florida Statutes, is created  
872 to read:

873 684.0047 Recognition and enforcement.—

874 (1) An arbitral award, irrespective of the country in  
875 which it was made, shall be recognized as binding and, upon  
876 application in writing to the competent court, shall be enforced  
877 subject to this section and s. 684.0048.

878 (2) The party relying on an award or applying for its  
879 enforcement shall supply the original or copy of the award. If  
880 the award is not made in the English language, the court may  
881 request the party to supply a translation of the award.

882 Section 48. Section 684.0048, Florida Statutes, is created  
883 to read:

884 684.0048 Grounds for refusing recognition or enforcement.—

885 (1) Recognition or enforcement of an arbitral award,  
886 irrespective of the country in which it was made, may be refused  
887 only:

888 (a) At the request of the party against whom it is  
889 invoked, if that party furnishes to the competent court where  
890 recognition or enforcement is sought proof that:

891 1. A party to the arbitration agreement defined in s.  
892 684.0003(1)(c) was under some incapacity or the arbitration  
893 agreement is not valid under the law to which the parties have  
894 subjected it or, failing any indication thereon, under the law  
895 of the country where the award was made;

896 2. The party against whom the award is invoked was not



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897 given proper notice of the appointment of an arbitrator or of  
898 the arbitral proceedings or was otherwise unable to present its  
899 case;

900 3. The award deals with a dispute not contemplated by or  
901 not falling within the terms of the submission to arbitration,  
902 or it contains decisions on matters beyond the scope of the  
903 submission to arbitration. However, if the decisions on matters  
904 submitted to arbitration can be separated from those not so  
905 submitted, that part of the award which contains decisions on  
906 matters submitted to arbitration may be recognized and enforced;

907 4. The composition of the arbitral tribunal or the  
908 arbitral procedure was not in accordance with the agreement of  
909 the parties or, failing such agreement, was not in accordance  
910 with the law of the country where the arbitration took place; or

911 5. The award has not yet become binding on the parties or  
912 has been set aside or suspended by a court of the country in  
913 which, or under the law of which, that award was made; or

914 (b) If the court finds that:

915 1. The subject matter of the dispute is not capable of  
916 settlement by arbitration under the laws of this state; or

917 2. The recognition or enforcement of the award would be  
918 contrary to the public policy of this state.

919 (2) If an application for setting aside or suspension of  
920 an award has been made to a court referenced in subparagraph

921 (1)(a)5., the court where recognition or enforcement is sought  
922 may, if it considers it proper, adjourn its decision and may  
923 also, on the application of the party claiming recognition or  
924 enforcement of the award, order the other party to provide

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925 appropriate security.

926       Section 49. Parts I, II, and III of chapter 684, Florida  
927 Statutes, consisting of sections 684.01, 684.02, 684.03, 684.04,  
928 684.05, 684.06, 684.07, 684.08, 684.09, 684.10, 684.11, 684.12,  
929 684.13, 684.14, 684.15, 684.16, 684.17, 684.18, 684.19, 684.20,  
930 684.21, 684.22, 684.23, 684.24, 684.25, 684.26, 684.27, 684.28,  
931 684.29, 684.30, 684.31, 684.32, 684.33, 684.34, and 684.35, are  
932 repealed.

933       Section 50. This act shall take effect July 1, 2010.