

By the Committee on Judiciary; and Senator Thrasher

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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; amending s. 682.04, F.S.; revising  
42 provisions relating to appointment of an arbitrator;  
43 prohibiting an individual who has an interest in the  
44 outcome of an arbitration from serving as a neutral  
45 arbitrator; creating s. 682.041, F.S.; requiring  
46 certain disclosures of interests and relationships by  
47 a person before accepting appointment as an  
48 arbitrator; providing a continuing obligation to make  
49 such disclosures; providing for objections to an  
50 arbitrator based on information disclosed; providing  
51 for vacation of an award if an arbitrator failed to  
52 disclose a fact as required; providing that an  
53 arbitrator appointed as a neutral arbitrator who does  
54 not disclose certain interests or relationships is  
55 presumed to act with partiality for specified  
56 purposes; requiring parties to substantially comply  
57 with agreed-to procedures of an arbitration  
58 organization or any other procedures for challenges to

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59 arbitrators before an award is made in order to seek  
60 vacation of an award on specified grounds; amending s.  
61 682.05, F.S.; requiring that if there is more than one  
62 arbitrator, the powers of an arbitrator must be  
63 exercised by a majority of the arbitrators; requiring  
64 all arbitrators to conduct the arbitration hearing;  
65 creating s. 682.051, F.S.; providing immunity from  
66 civil liability for an arbitrator or an arbitration  
67 organization acting in that capacity; providing that  
68 this immunity is supplemental to any immunity under  
69 other law; providing that failure to make a required  
70 disclosure does not remove immunity; providing that an  
71 arbitrator or representative of an arbitration  
72 organization is not competent to testify and may not  
73 be required to produce records concerning the  
74 arbitration; providing exceptions; providing for  
75 awarding an arbitrator, arbitration organization, or  
76 representative of an arbitration organization with  
77 reasonable attorney fees and expenses of litigation  
78 under certain circumstances; amending s. 682.06, F.S.;  
79 revising provisions relating to the conduct of  
80 arbitration hearings; providing for summary  
81 disposition, notice of hearings, adjournment, and  
82 rights of a party to the arbitration proceeding;  
83 requiring appointment of a replacement arbitrator in  
84 certain circumstances; amending s. 682.07, F.S.;  
85 providing that a party to an arbitration proceeding  
86 may be represented by an attorney; amending s. 682.08,  
87 F.S.; revising provisions relating to the issuance,

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88 service, and enforcement of subpoenas; revising  
89 provisions relating to depositions; authorizing an  
90 arbitrator to permit discovery in certain  
91 circumstances; authorizing an arbitrator to order  
92 compliance with discovery; authorizing protective  
93 orders by an arbitrator; providing for applicability  
94 of laws compelling a person under subpoena to testify  
95 and all fees for attending a judicial proceeding, a  
96 deposition, or a discovery proceeding as a witness;  
97 providing for court enforcement of a subpoena or  
98 discovery-related order; providing for witness fees;  
99 creating s. 682.081, F.S.; providing for judicial  
100 enforcement of a preaward ruling by an arbitrator in  
101 certain circumstances; providing exceptions; amending  
102 s. 682.09, F.S.; revising provisions relating to the  
103 record needed for an award; revising provisions  
104 relating to the time within which an award must be  
105 made; amending s. 682.10, F.S.; revising provisions  
106 relating to requirements for a motion to modify or  
107 correct an award; amending s. 682.11, F.S.; revising  
108 provisions relating to fees and expenses of  
109 arbitration; authorizing punitive damages and other  
110 exemplary relief and remedies; amending s. 682.12,  
111 F.S.; revising provisions relating to confirmation of  
112 an award; amending s. 682.13, F.S.; revising  
113 provisions relating to grounds for vacating an award;  
114 revising provisions relating to a motion for vacating  
115 an award; providing for a rehearing in certain  
116 circumstances; amending s. 682.14, F.S.; revising

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

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146 support; amending s. 731.401, F.S.; providing for  
147 application of the act to an arbitration provision in  
148 a will or trust; amending ss. 440.1926 and 489.1402,  
149 F.S.; conforming cross-references; providing an  
150 effective date.

151

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

153

154 Section 1. Section 682.01, Florida Statutes, is amended to  
155 read:

156 682.01 Short title Florida Arbitration Code. ~~This chapter~~  
157 ~~Sections 682.01-682.22~~ may be cited as the "Revised Florida  
158 Arbitration Code."

159 Section 2. Section 682.011, Florida Statutes, is created to  
160 read:

161 682.011 Definitions.—As used in this chapter, the term:

162 (1) "Arbitration organization" means an association,  
163 agency, board, commission, or other entity that is neutral and  
164 initiates, sponsors, or administers an arbitration proceeding or  
165 is involved in the appointment of an arbitrator.

166 (2) "Arbitrator" means an individual appointed to render an  
167 award, alone or with others, in a controversy that is subject to  
168 an agreement to arbitrate.

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

171 (4) "Knowledge" means actual knowledge.

172 (5) "Person" means an individual, corporation, business  
173 trust, estate, trust, partnership, limited liability company,  
174 association, joint venture, or government; governmental

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175 subdivision, agency, or instrumentality; public corporation; or  
176 any other legal or commercial entity.

177 (6) "Record" means information that is inscribed on a  
178 tangible medium or that is stored in an electronic or other  
179 medium and is retrievable in perceivable form.

180 Section 3. Section 682.012, Florida Statutes, is created to  
181 read:

182 682.012 Notice.—

183 (1) Except as otherwise provided in this chapter, a person  
184 gives notice to another person by taking action that is  
185 reasonably necessary to inform the other person in ordinary  
186 course, whether or not the other person acquires knowledge of  
187 the notice.

188 (2) A person has notice if the person has knowledge of the  
189 notice or has received notice.

190 (3) A person receives notice when it comes to the person's  
191 attention or the notice is delivered at the person's place of  
192 residence or place of business, or at another location held out  
193 by the person as a place of delivery of such communications.

194 Section 4. Section 682.013, Florida Statutes, is created to  
195 read:

196 682.013 Applicability of revised code.—

197 (1) The Revised Florida Arbitration Code governs an  
198 agreement to arbitrate made on or after July 1, 2013.

199 (2) Until June 30, 2016, the Revised Florida Arbitration  
200 Code governs an agreement to arbitrate made before July 1, 2013,  
201 if all the parties to the agreement or to the arbitration  
202 proceeding so agree in a record. Otherwise, such agreements  
203 shall be governed by the applicable law existing at the time the

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204 parties entered into the agreement.

205 (3) The Revised Florida Arbitration Code does not affect an  
206 action or proceeding commenced or right accrued before July 1,  
207 2013.

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

210 Section 5. Section 682.014, Florida Statutes, is created to  
211 read:

212 682.014 Effect of agreement to arbitrate; nonwaivable  
213 provisions.-

214 (1) Except as otherwise provided in subsections (2) and  
215 (3), a party to an agreement to arbitrate or to an arbitration  
216 proceeding may waive, or the parties may vary the effect of, the  
217 requirements of this chapter to the extent permitted by law.

218 (2) Before a controversy arises that is subject to an  
219 agreement to arbitrate, a party to the agreement may not:

220 (a) Waive or agree to vary the effect of the requirements  
221 of:

222 1. Commencing a petition for judicial relief under s.  
223 682.015(1);

224 2. Making agreements to arbitrate valid, enforceable, and  
225 irrevocable under s. 682.02(1);

226 3. Permitting provisional remedies under s. 682.031;

227 4. Conferring authority on arbitrators to issue subpoenas  
228 and permit depositions under s. 682.08(1) or (2);

229 5. Conferring jurisdiction under s. 682.181; or

230 6. Stating the bases for appeal under s. 682.20;

231 (b) Agree to unreasonably restrict the right under s.  
232 682.032 to notice of the initiation of an arbitration



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233 proceeding;

234 (c) Agree to unreasonably restrict the right under s.  
235 682.041 to disclosure of any facts by a neutral arbitrator; or

236 (d) Waive the right under s. 682.07 of a party to an  
237 agreement to arbitrate to be represented by an attorney at any  
238 proceeding or hearing under this chapter, but an employer and a  
239 labor organization may waive the right to representation by an  
240 attorney in a labor arbitration.

241 (3) A party to an agreement to arbitrate or arbitration  
242 proceeding may not waive, or the parties may not vary the effect  
243 of, the requirements in this section or:

244 (a) The applicability of this chapter, the Revised Florida  
245 Arbitration Code, under s. 682.013(1) or (4);

246 (b) The availability of proceedings to compel or stay  
247 arbitration under s. 682.03;

248 (c) The immunity conferred on arbitrators and arbitration  
249 organizations under s. 682.051;

250 (d) A party's right to seek judicial enforcement of an  
251 arbitration preaward ruling under s. 682.081;

252 (e) The authority conferred on an arbitrator to change an  
253 award under s. 682.10(4) or (5);

254 (f) The remedies provided under s. 682.12;

255 (g) The grounds for vacating an arbitration award under s.  
256 682.13;

257 (h) The grounds for modifying an arbitration award under s.  
258 682.14;

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

261 (j) The validity of the Electronic Signatures in Global and

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262 National Commerce Act under s. 682.23; or

263 (k) The effect of excluding from arbitration under this  
264 chapter disputes involving child custody, visitation, or child  
265 support under s. 682.25.

266 Section 6. Section 682.015, Florida Statutes, is created to  
267 read:

268 682.015 Petition for judicial relief.-

269 (1) Except as otherwise provided in s. 682.20, a petition  
270 for judicial relief under this chapter must be made to the court  
271 and heard in the manner provided by law or rule of court for  
272 making and hearing motions.

273 (2) Unless a civil action involving the agreement to  
274 arbitrate is pending, notice of an initial petition to the court  
275 under this chapter must be served in the manner provided by law  
276 for the service of a summons in a civil action. Otherwise,  
277 notice of the motion must be given in the manner provided by law  
278 or rule of court for serving motions in pending cases.

279 Section 7. Section 682.02, Florida Statutes, is amended to  
280 read:

281 682.02 Arbitration agreements made valid, irrevocable, and  
282 enforceable; scope.-

283 (1) An agreement contained in a record to submit to  
284 arbitration any existing or subsequent controversy arising  
285 between the parties to the agreement is valid, enforceable, and  
286 irrevocable except upon a ground that exists at law or in equity  
287 for the revocation of a contract.

288 (2) The court shall decide whether an agreement to  
289 arbitrate exists or a controversy is subject to an agreement to  
290 arbitrate.

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291 (3) An arbitrator shall decide whether a condition  
292 precedent to arbitrability has been fulfilled and whether a  
293 contract containing a valid agreement to arbitrate is  
294 enforceable.

295 (4) If a party to a judicial proceeding challenges the  
296 existence of, or claims that a controversy is not subject to, an  
297 agreement to arbitrate, the arbitration proceeding may continue  
298 pending final resolution of the issue by the court, unless the  
299 court otherwise orders.

300 ~~(5) Two or more parties may agree in writing to submit to~~  
301 ~~arbitration any controversy existing between them at the time of~~  
302 ~~the agreement, or they may include in a written contract a~~  
303 ~~provision for the settlement by arbitration of any controversy~~  
304 ~~thereafter arising between them relating to such contract or the~~  
305 ~~failure or refusal to perform the whole or any part thereof.~~

306 This section also applies to written interlocal agreements under  
307 ss. 163.01 and 373.713 in which two or more parties agree to  
308 submit to arbitration any controversy between them concerning  
309 water use permit applications and other matters, regardless of  
310 whether or not the water management district with jurisdiction  
311 over the subject application is a party to the interlocal  
312 agreement or a participant in the arbitration. ~~Such agreement or~~  
313 ~~provision shall be valid, enforceable, and irrevocable without~~  
314 ~~regard to the justiciable character of the controversy; provided~~  
315 ~~that this act shall not apply to any such agreement or provision~~  
316 ~~to arbitrate in which it is stipulated that this law shall not~~  
317 ~~apply or to any arbitration or award thereunder.~~

318 Section 8. Section 682.03, Florida Statutes, is amended to  
319 read:

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320 682.03 Proceedings to compel and to stay arbitration.—

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

324 (a) If the refusing party does not appear or does not  
325 oppose the motion, the court shall order the parties to  
326 arbitrate.

327 (b) If the refusing party opposes the motion, the court  
328 shall proceed summarily to decide the issue and order the  
329 parties to arbitrate unless it finds that there is no  
330 enforceable agreement to arbitrate. A party to an agreement or  
331 provision for arbitration subject to this law claiming the  
332 neglect or refusal of another party thereto to comply therewith  
333 may make application to the court for an order directing the  
334 parties to proceed with arbitration in accordance with the terms  
335 thereof. If the court is satisfied that no substantial issue  
336 exists as to the making of the agreement or provision, it shall  
337 grant the application. If the court shall find that a  
338 substantial issue is raised as to the making of the agreement or  
339 provision, it shall summarily hear and determine the issue and,  
340 according to its determination, shall grant or deny the  
341 application.

342 (2) On motion of a person alleging that an arbitration  
343 proceeding has been initiated or threatened but that there is no  
344 agreement to arbitrate, the court shall proceed summarily to  
345 decide the issue. If the court finds that there is an  
346 enforceable agreement to arbitrate, it shall order the parties  
347 to arbitrate. If an issue referable to arbitration under an  
348 agreement or provision for arbitration subject to this law

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349 ~~becomes involved in an action or proceeding pending in a court~~  
350 ~~having jurisdiction to hear an application under subsection (1),~~  
351 ~~such application shall be made in said court. Otherwise and~~  
352 ~~subject to s. 682.19, such application may be made in any court~~  
353 ~~of competent jurisdiction.~~

354 (3) If the court finds that there is no enforceable  
355 agreement to arbitrate, it may not order the parties to  
356 arbitrate pursuant to subsection (1) or subsection (2). Any  
357 ~~action or proceeding involving an issue subject to arbitration~~  
358 ~~under this law shall be stayed if an order for arbitration or an~~  
359 ~~application therefor has been made under this section or, if the~~  
360 ~~issue is severable, the stay may be with respect thereto only.~~  
361 ~~When the application is made in such action or proceeding, the~~  
362 ~~order for arbitration shall include such stay.~~

363 (4) The court may not refuse to order arbitration because  
364 the claim subject to arbitration lacks merit or grounds for the  
365 claim have not been established. On application the court may  
366 ~~stay an arbitration proceeding commenced or about to be~~  
367 ~~commenced, if it shall find that no agreement or provision for~~  
368 ~~arbitration subject to this law exists between the party making~~  
369 ~~the application and the party causing the arbitration to be had.~~  
370 ~~The court shall summarily hear and determine the issue of the~~  
371 ~~making of the agreement or provision and, according to its~~  
372 ~~determination, shall grant or deny the application.~~

373 (5) If a proceeding involving a claim referable to  
374 arbitration under an alleged agreement to arbitrate is pending  
375 in court, a motion under this section must be made in that  
376 court. Otherwise, a motion under this section may be made in any  
377 court as provided in s. 682.19. An order for arbitration shall

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378 ~~not be refused on the ground that the claim in issue lacks merit~~  
379 ~~or bona fides or because any fault or grounds for the claim~~  
380 ~~sought to be arbitrated have not been shown.~~

381 (6) If a party makes a motion to the court to order  
382 arbitration, the court on just terms shall stay any judicial  
383 proceeding that involves a claim alleged to be subject to the  
384 arbitration until the court renders a final decision under this  
385 section.

386 (7) If the court orders arbitration, the court on just  
387 terms shall stay any judicial proceeding that involves a claim  
388 subject to the arbitration. If a claim subject to the  
389 arbitration is severable, the court may limit the stay to that  
390 claim.

391 Section 9. Section 682.031, Florida Statutes, is created to  
392 read:

393 682.031 Provisional remedies.—

394 (1) Before an arbitrator is appointed and is authorized and  
395 able to act, the court, upon motion of a party to an arbitration  
396 proceeding and for good cause shown, may enter an order for  
397 provisional remedies to protect the effectiveness of the  
398 arbitration proceeding to the same extent and under the same  
399 conditions as if the controversy were the subject of a civil  
400 action.

401 (2) After an arbitrator is appointed and is authorized and  
402 able to act:

403 (a) The arbitrator may issue such orders for provisional  
404 remedies, including interim awards, as the arbitrator finds  
405 necessary to protect the effectiveness of the arbitration  
406 proceeding and to promote the fair and expeditious resolution of

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407 the controversy, to the same extent and under the same  
408 conditions as if the controversy were the subject of a civil  
409 action.

410 (b) A party to an arbitration proceeding may move the court  
411 for a provisional remedy only if the matter is urgent and the  
412 arbitrator is not able to act timely or the arbitrator cannot  
413 provide an adequate remedy.

414 (3) A party does not waive a right of arbitration by making  
415 a motion under this section.

416 (4) If an arbitrator awards a provisional remedy for  
417 injunctive or equitable relief, the arbitrator shall state in  
418 the award the factual findings and legal basis for the award.

419 (5) A party may seek to confirm or vacate a provisional  
420 remedy award for injunctive or equitable relief under s.  
421 682.081.

422 Section 10. Section 682.032, Florida Statutes, is created  
423 to read:

424 682.032 Initiation of arbitration.—

425 (1) A person initiates an arbitration proceeding by giving  
426 notice in a record to the other parties to the agreement to  
427 arbitrate in the agreed manner between the parties or, in the  
428 absence of agreement, by certified or registered mail, return  
429 receipt requested and obtained, or by service as authorized for  
430 the commencement of a civil action. The notice must describe the  
431 nature of the controversy and the remedy sought.

432 (2) Unless a person objects for lack or insufficiency of  
433 notice under s. 682.06(3) not later than the beginning of the  
434 arbitration hearing, the person by appearing at the hearing  
435 waives any objection to lack of or insufficiency of notice.

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436 Section 11. Section 682.033, Florida Statutes, is created  
437 to read:

438 682.033 Consolidation of separate arbitration proceedings.-

439 (1) Except as otherwise provided in subsection (3), upon  
440 motion of a party to an agreement to arbitrate or to an  
441 arbitration proceeding, the court may order consolidation of  
442 separate arbitration proceedings as to all or some of the claims  
443 if:

444 (a) There are separate agreements to arbitrate or separate  
445 arbitration proceedings between the same persons or one of them  
446 is a party to a separate agreement to arbitrate or a separate  
447 arbitration proceeding with a third person;

448 (b) The claims subject to the agreements to arbitrate arise  
449 in substantial part from the same transaction or series of  
450 related transactions;

451 (c) The existence of a common issue of law or fact creates  
452 the possibility of conflicting decisions in the separate  
453 arbitration proceedings; and

454 (d) Prejudice resulting from a failure to consolidate is  
455 not outweighed by the risk of undue delay or prejudice to the  
456 rights of or hardship to parties opposing consolidation.

457 (2) The court may order consolidation of separate  
458 arbitration proceedings as to some claims and allow other claims  
459 to be resolved in separate arbitration proceedings.

460 (3) The court may not order consolidation of the claims of  
461 a party to an agreement to arbitrate if the agreement prohibits  
462 consolidation.

463 Section 12. Section 682.04, Florida Statutes, is amended to  
464 read:



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465 682.04 Appointment of arbitrators by court.-

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

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

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

473 (b) The agreed method fails;

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

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

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

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

492 Section 13. Section 682.041, Florida Statutes, is created  
493 to read:

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494 682.041 Disclosure by arbitrator.-

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

502 (a) A financial or personal interest in the outcome of the  
503 arbitration proceeding.

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

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

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

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

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

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

534 Section 14. Section 682.05, Florida Statutes, is amended to  
535 read:

536 682.05 Majority action by arbitrators.—If there is more  
537 than one arbitrator, the powers of an arbitrator must be  
538 exercised by a majority of the arbitrators, but all of the  
539 arbitrators shall conduct the hearing under s. 682.06(3). The  
540 ~~powers of the arbitrators may be exercised by a majority of~~  
541 ~~their number unless otherwise provided in the agreement or~~  
542 ~~provision for arbitration.~~

543 Section 15. Section 682.051, Florida Statutes, is created  
544 to read:

545 682.051 Immunity of arbitrator; competency to testify;  
546 attorney fees and costs.—

547 (1) An arbitrator or an arbitration organization acting in  
548 that capacity is immune from civil liability to the same extent  
549 as a judge of a court of this state acting in a judicial  
550 capacity.

551 (2) The immunity afforded under this section supplements

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552 any immunity under other law.

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

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

563 (a) To the extent necessary to determine the claim of an  
564 arbitrator, arbitration organization, or representative of the  
565 arbitration organization against a party to the arbitration  
566 proceeding; or

567 (b) To a hearing on a motion to vacate an award under s.  
568 682.13(1)(a) or (b) if the movant establishes prima facie that a  
569 ground for vacating the award exists.

570 (5) If a person commences a civil action against an  
571 arbitrator, arbitration organization, or representative of an  
572 arbitration organization arising from the services of the  
573 arbitrator, organization, or representative or if a person seeks  
574 to compel an arbitrator or a representative of an arbitration  
575 organization to testify or produce records in violation of  
576 subsection (4), and the court decides that the arbitrator,  
577 arbitration organization, or representative of an arbitration  
578 organization is immune from civil liability or that the  
579 arbitrator or representative of the organization is not  
580 competent to testify, the court shall award to the arbitrator,

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581 organization, or representative reasonable attorney fees and  
582 other reasonable expenses of litigation.

583 Section 16. Section 682.06, Florida Statutes, is amended to  
584 read:

585 682.06 Hearing.—

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

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

608 ~~(b) The arbitrators, or umpire in the course of his or her~~  
609 ~~jurisdiction, may hear and decide the controversy upon the~~

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610 ~~evidence produced notwithstanding the failure or refusal of a~~  
611 ~~party duly notified of the time and place of the hearing to~~  
612 ~~appear. The court on application may direct the arbitrators, or~~  
613 ~~the umpire in the course of his or her jurisdiction, to proceed~~  
614 ~~promptly with the hearing and making of the award.~~

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

617 (a) If all interested parties agree; or

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

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

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

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

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

659 Section 17. Section 682.07, Florida Statutes, is amended to  
660 read:

661 682.07 Representation by attorney.—A party has the right to  
662 be represented by an attorney at any arbitration proceeding or  
663 hearing under this law. ~~A waiver thereof prior to the proceeding~~  
664 ~~or hearing is ineffective.~~

665 Section 18. Section 682.08, Florida Statutes, is amended to  
666 read:

667 682.08 Witnesses, subpoenas, depositions.—

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

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

696           (3) An arbitrator may permit such discovery as the



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697 arbitrator decides is appropriate in the circumstances, taking  
698 into account the needs of the parties to the arbitration  
699 proceeding and other affected persons and the desirability of  
700 making the proceeding fair, expeditious, and cost effective. All  
701 provisions of law compelling a person under subpoena to testify  
702 are applicable.

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

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

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

721 (7) The court may enforce a subpoena or discovery-related  
722 order for the attendance of a witness within this state and for  
723 the production of records and other evidence issued by an  
724 arbitrator in connection with an arbitration proceeding in  
725 another state upon conditions determined by the court so as to

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

734 (8) ~~(4)~~ Fees for attendance as a witness shall be the same  
735 as for a witness in the circuit court.

736 Section 19. Section 682.081, Florida Statutes, is created  
737 to read:

738 682.081 Judicial enforcement of preaward ruling by  
739 arbitrator.—

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

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

752 (a) The court shall confirm a provisional remedy award for  
753 injunctive or equitable relief if the award satisfies the legal  
754 standards for awarding a party injunctive or equitable relief.

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

758 Section 20. Section 682.09, Florida Statutes, is amended to  
759 read:

760 682.09 Award.—

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

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

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784 ~~extend the time either before or after the expiration thereof.~~  
785 ~~Any objection that an award was not made within the time~~  
786 ~~required is waived unless the objecting party notifies the~~  
787 ~~arbitrators or umpire in writing of his or her objection prior~~  
788 ~~to the delivery of the award to him or her.~~

789 Section 21. Section 682.10, Florida Statutes, is amended to  
790 read:

791 682.10 Change of award by arbitrators ~~or umpire.~~-

792 (1) On motion to an arbitrator by a party to an arbitration  
793 proceeding, the arbitrator may modify or correct an award:

794 (a) Upon a ground stated in s. 682.14(1) (a) or (c);

795 (b) Because the arbitrator has not made a final and  
796 definite award upon a claim submitted by the parties to the  
797 arbitration proceeding; or

798 (c) To clarify the award.

799 (2) A motion under subsection (1) must be made and notice  
800 given to all parties within 20 days after the movant receives  
801 notice of the award.

802 (3) A party to the arbitration proceeding must give notice  
803 of any objection to the motion within 10 days after receipt of  
804 the notice.

805 (4) If a motion to the court is pending under s. 682.12, s.  
806 682.13, or s. 682.14, the court may submit the claim to the  
807 arbitrator to consider whether to modify or correct the award:

808 (a) Upon a ground stated in s. 682.14(1) (a) or (c);

809 (b) Because the arbitrator has not made a final and  
810 definite award upon a claim submitted by the parties to the  
811 arbitration proceeding; or

812 (c) To clarify the award.

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

828        Section 22. Section 682.11, Florida Statutes, is amended to  
829 read:

830        682.11 Remedies; fees and expenses of arbitration  
831 proceeding.—

832        (1) An arbitrator may award punitive damages or other  
833 exemplary relief if such an award is authorized by law in a  
834 civil action involving the same claim and the evidence produced  
835 at the hearing justifies the award under the legal standards  
836 otherwise applicable to the claim.

837        (2) An arbitrator may award reasonable attorney fees and  
838 other reasonable expenses of arbitration if such an award is  
839 authorized by law in a civil action involving the same claim or  
840 by the agreement of the parties to the arbitration proceeding.

841        (3) As to all remedies other than those authorized by

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842 subsections (1) and (2), an arbitrator may order such remedies  
843 as the arbitrator considers just and appropriate under the  
844 circumstances of the arbitration proceeding. The fact that such  
845 a remedy could not or would not be granted by the court is not a  
846 ground for refusing to confirm an award under s. 682.12 or for  
847 vacating an award under s. 682.13.

848 (4) An arbitrator's expenses and fees, together with other  
849 expenses, must be paid as provided in the award.

850 (5) If an arbitrator awards punitive damages or other  
851 exemplary relief under subsection (1), the arbitrator shall  
852 specify in the award the basis in fact justifying and the basis  
853 in law authorizing the award and state separately the amount of  
854 the punitive damages or other exemplary relief. Unless otherwise  
855 provided in the agreement or provision for arbitration, the  
856 arbitrators' and umpire's expenses and fees, together with other  
857 expenses, not including counsel fees, incurred in the conduct of  
858 the arbitration, shall be paid as provided in the award.

859 Section 23. Section 682.12, Florida Statutes, is amended to  
860 read:

861 682.12 Confirmation of an award.—After a party to an  
862 arbitration proceeding receives notice of an award, the party  
863 may make a motion to the court for an order confirming the award  
864 at which time the court shall issue a confirming order unless  
865 the award is modified or corrected pursuant to s. 682.10 or s.  
866 682.14 or is vacated pursuant to s. 682.13. Upon application of  
867 a party to the arbitration, the court shall confirm an award,  
868 unless within the time limits hereinafter imposed grounds are  
869 urged for vacating or modifying or correcting the award, in  
870 which case the court shall proceed as provided in ss. 682.13 and

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871 ~~682.14.~~

872 Section 24. Section 682.13, Florida Statutes, is amended to  
873 read:

874 682.13 Vacating an award.—

875 (1) Upon motion ~~application~~ of a party to an arbitration  
876 proceeding, the court shall vacate an arbitration award if ~~when~~:

877 (a) The award was procured by corruption, fraud, or other  
878 undue means; ~~or~~

879 (b) There was:

880 1. Evident partiality by an arbitrator appointed as a  
881 neutral arbitrator;

882 2. Corruption by an arbitrator; or

883 3. Misconduct by an arbitrator prejudicing the rights of a  
884 party to the arbitration proceeding; ~~or corruption in any of the~~  
885 arbitrators or umpire or misconduct prejudicing the rights of  
886 any party.

887 (c) An arbitrator refused to postpone the hearing upon  
888 showing of sufficient cause for postponement, refused to hear  
889 evidence material to the controversy, or otherwise conducted the  
890 hearing contrary to s. 682.06, so as to prejudice substantially  
891 the rights of a party to the arbitration proceeding; ~~The~~  
892 arbitrators or the umpire in the course of her or his  
893 jurisdiction exceeded their powers.

894 (d) An arbitrator exceeded the arbitrator's powers; ~~The~~  
895 arbitrators or the umpire in the course of her or his  
896 jurisdiction refused to postpone the hearing upon sufficient  
897 cause being shown therefor or refused to hear evidence material  
898 to the controversy or otherwise so conducted the hearing,  
899 contrary to the provisions of s. 682.06, as to prejudice

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900 ~~substantially the rights of a party.~~

901 (e) There was no agreement to arbitrate, unless the person  
902 participated in the arbitration proceeding without raising the  
903 objection under s. 682.06(3) not later than the beginning of the  
904 arbitration hearing; or ~~There was no agreement or provision for~~  
905 ~~arbitration subject to this law, unless the matter was~~  
906 ~~determined in proceedings under s. 682.03 and unless the party~~  
907 ~~participated in the arbitration hearing without raising the~~  
908 ~~objection.~~

909 (f) The arbitration was conducted without proper notice of  
910 the initiation of an arbitration as required in s. 682.032 so as  
911 to prejudice substantially the rights of a party to the  
912 arbitration proceeding.

913 ~~But the fact that the relief was such that it could not or would~~  
914 ~~not be granted by a court of law or equity is not ground for~~  
915 ~~vacating or refusing to confirm the award.~~

916 (2) A motion under this section must be filed within 90  
917 days after the movant receives notice of the award pursuant to  
918 s. 682.09 or within 90 days after the movant receives notice of  
919 a modified or corrected award pursuant to s. 682.10, unless the  
920 movant alleges that the award was procured by corruption, fraud,  
921 or other undue means, in which case the motion must be made  
922 within 90 days after the ground is known or by the exercise of  
923 reasonable care would have been known by the movant. An  
924 ~~application under this section shall be made within 90 days~~  
925 ~~after delivery of a copy of the award to the applicant, except~~  
926 ~~that, if predicated upon corruption, fraud or other undue means,~~  
927 ~~it shall be made within 90 days after such grounds are known or~~  
928 ~~should have been known.~~



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929           (3) If the court vacates an award on a ground other than  
930 that set forth in paragraph (1)(e), it may order a rehearing. If  
931 the award is vacated on a ground stated in paragraph (1)(a) or  
932 paragraph (1)(b), the rehearing must be before a new arbitrator.  
933 If the award is vacated on a ground stated in paragraph (1)(c),  
934 paragraph (1)(d), or paragraph (1)(f), the rehearing may be  
935 before the arbitrator who made the award or the arbitrator's  
936 successor. The arbitrator must render the decision in the  
937 rehearing within the same time as that provided in s. 682.09(2)  
938 for an award. In vacating the award on grounds other than those  
939 stated in paragraph (1)(e), the court may order a rehearing  
940 before new arbitrators chosen as provided in the agreement or  
941 provision for arbitration or by the court in accordance with s.  
942 682.04, or, if the award is vacated on grounds set forth in  
943 paragraphs (1)(c) and (d), the court may order a rehearing  
944 before the arbitrators or umpire who made the award or their  
945 successors appointed in accordance with s. 682.04. The time  
946 within which the agreement or provision for arbitration requires  
947 the award to be made is applicable to the rehearing and  
948 commences from the date of the order therefor.

949           (4) If a motion ~~the application~~ to vacate is denied and no  
950 motion to modify or correct the award is pending, the court  
951 shall confirm the award.

952           Section 25. Section 682.14, Florida Statutes, is amended to  
953 read:

954           682.14 Modification or correction of award.—

955           (1) Upon motion made within 90 days after the movant  
956 receives notice of the award pursuant to s. 682.09 or within 90  
957 days after the movant receives notice of a modified or corrected

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958 award pursuant to s. 682.10, the court shall modify or correct  
959 the award if ~~Upon application made within 90 days after delivery~~  
960 ~~of a copy of the award to the applicant, the court shall modify~~  
961 ~~or correct the award when:~~

962 (a) There is an evident miscalculation of figures or an  
963 evident mistake in the description of any person, thing, or  
964 property referred to in the award.

965 (b) The arbitrators ~~or umpire~~ have awarded upon a matter  
966 not submitted in the arbitration ~~to them or him or her~~ and the  
967 award may be corrected without affecting the merits of the  
968 decision upon the issues submitted.

969 (c) The award is imperfect as a matter of form, not  
970 affecting the merits of the controversy.

971 (2) If the motion ~~application~~ is granted, the court shall  
972 modify and correct the award ~~so as to effect its intent and~~  
973 ~~shall~~ confirm the award as so modified and corrected. Otherwise,  
974 unless a motion to vacate the award under s. 682.13 is pending,  
975 the court shall confirm the award as made.

976 (3) A motion ~~An application~~ to modify or correct an award  
977 may be joined in the alternative with a motion ~~an application~~ to  
978 vacate the award under s. 682.13.

979 Section 26. Section 682.15, Florida Statutes, is amended to  
980 read:

981 682.15 Judgment or decree on award.—

982 (1) Upon granting an order confirming, vacating without  
983 directing a rehearing, modifying, or correcting an award, the  
984 court shall enter a judgment in conformity therewith. The  
985 judgment may be recorded, docketed, and enforced as any other  
986 judgment in a civil action.

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987       (2) A court may allow reasonable costs of the motion and  
988 subsequent judicial proceedings.

989       (3) On motion of a prevailing party to a contested judicial  
990 proceeding under s. 682.12, s. 682.13, or s. 682.14, the court  
991 may add reasonable attorney fees and other reasonable expenses  
992 of litigation incurred in a judicial proceeding after the award  
993 is made to a judgment confirming, vacating without directing a  
994 rehearing, modifying, or correcting an award. ~~Upon the granting~~  
995 ~~of an order confirming, modifying or correcting an award,~~  
996 ~~judgment or decree shall be entered in conformity therewith and~~  
997 ~~be enforced as any other judgment or decree. Costs of the~~  
998 ~~application and of the proceedings subsequent thereto, and~~  
999 ~~disbursements may be awarded by the court.~~

1000       Section 27. Section 682.16, Florida Statutes, is repealed.

1001       Section 28. Section 682.17, Florida Statutes, is repealed.

1002       Section 29. Section 682.18, Florida Statutes, is repealed.

1003       Section 30. Section 682.181, Florida Statutes, is created  
1004 to read:

1005       682.181 Jurisdiction.—

1006       (1) A court of this state having jurisdiction over the  
1007 controversy and the parties may enforce an agreement to  
1008 arbitrate.

1009       (2) An agreement to arbitrate providing for arbitration in  
1010 this state confers exclusive jurisdiction on the court to enter  
1011 judgment on an award under this chapter.

1012       Section 31. Section 682.19, Florida Statutes, is amended to  
1013 read:

1014       682.19 Venue.—A petition pursuant to s. 682.015 must be  
1015 filed in the court of the county in which the agreement to

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1016 arbitrate specifies the arbitration hearing is to be held or, if  
1017 the hearing has been held, in the court of the county in which  
1018 it was held. Otherwise, the petition may be made in the court of  
1019 any county in which an adverse party resides or has a place of  
1020 business or, if no adverse party has a residence or place of  
1021 business in this state, in the court of any county in this  
1022 state. All subsequent petitions must be made in the court  
1023 hearing the initial petition unless the court otherwise directs.

1024 ~~Any application under this law may be made to the court of the~~  
1025 ~~county in which the other party to the agreement or provision~~  
1026 ~~for arbitration resides or has a place of business, or, if she~~  
1027 ~~or he has no residence or place of business in this state, then~~  
1028 ~~to the court of any county. All applications under this law~~  
1029 ~~subsequent to an initial application shall be made to the court~~  
1030 ~~hearing the initial application unless it shall order otherwise.~~

1031 Section 32. Section 682.20, Florida Statutes, is amended to  
1032 read:

1033 682.20 Appeals.—

1034 (1) An appeal may be taken from:

1035 (a) An order denying a motion ~~an application~~ to compel  
1036 arbitration made under s. 682.03.

1037 (b) An order granting a motion ~~an application~~ to stay  
1038 arbitration pursuant to ~~made under~~ s. 682.03(2)-(4).

1039 (c) An order confirming ~~or denying confirmation of~~ an  
1040 award.

1041 (d) An order denying confirmation of an award unless the  
1042 court has entered an order under s. 682.10(4) or s. 682.13. All  
1043 other orders denying confirmation of an award are final orders.

1044 (e) ~~(d)~~ An order modifying or correcting an award.

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1045 (f)~~(e)~~ An order vacating an award without directing a  
1046 rehearing.

1047 (g)~~(f)~~ A judgment or decree entered pursuant to this  
1048 chapter ~~the provisions of this law.~~

1049 (2) The appeal shall be taken in the manner and to the same  
1050 extent as from orders or judgments in a civil action.

1051 Section 33. Section 682.21, Florida Statutes, is repealed.

1052 Section 34. Section 682.22, Florida Statutes, is repealed.

1053 Section 35. Section 682.23, Florida Statutes, is created to  
1054 read:

1055 682.23 Relationship to Electronic Signatures in Global and  
1056 National Commerce Act.—The provisions of this chapter governing  
1057 the legal effect, validity, and enforceability of electronic  
1058 records or electronic signatures and of contracts performed with  
1059 the use of such records or signatures conform to the  
1060 requirements of s. 102 of the Electronic Signatures in Global  
1061 and National Commerce Act, 15 U.S.C. s. 7002.

1062 Section 36. Section 682.25, Florida Statutes, is created to  
1063 read:

1064 682.25 Disputes excluded.—This chapter does not apply to  
1065 any dispute involving child custody, visitation, or child  
1066 support.

1067 Section 37. Subsection (2) of section 731.401, Florida  
1068 Statutes, is amended to read:

1069 731.401 Arbitration of disputes.—

1070 (2) Unless otherwise specified in the will or trust, a will  
1071 or trust provision requiring arbitration shall be presumed to  
1072 require binding arbitration under chapter 682, the Revised  
1073 Florida Arbitration Code. If an arbitration enforceable under

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1074 this section is governed under chapter 682, the arbitration  
1075 provision in the will or trust shall be treated as an agreement  
1076 for the purposes of applying chapter 682 s. 44.104.

1077 Section 38. Section 440.1926, Florida Statutes, is amended  
1078 to read:

1079 440.1926 Alternate dispute resolution; claim arbitration.—  
1080 Notwithstanding any other provision of this chapter, the  
1081 employer, carrier, and employee may mutually agree to seek  
1082 consent from a judge of compensation claims to enter into  
1083 binding claim arbitration in lieu of any other remedy provided  
1084 for in this chapter to resolve all issues in dispute regarding  
1085 an injury. Arbitrations agreed to pursuant to this section shall  
1086 be governed by chapter 682, the Revised Florida Arbitration  
1087 Code, except that, notwithstanding any provision in chapter 682,  
1088 the term "court" shall mean a judge of compensation claims. An  
1089 arbitration award in accordance with this section is ~~shall be~~  
1090 enforceable in the same manner and with the same powers as any  
1091 final compensation order.

1092 Section 39. Paragraph (a) of subsection (1) of section  
1093 489.1402, Florida Statutes, is amended to read:

1094 489.1402 Homeowners' Construction Recovery Fund;  
1095 definitions.—

1096 (1) The following definitions apply to ss. 489.140-489.144:

1097 (a) "Arbitration" means alternative dispute resolution  
1098 entered into between a claimant and a contractor either pursuant  
1099 to a construction contract that contains a mandatory arbitration  
1100 clause or through any binding arbitration under chapter 682, the  
1101 Revised Florida Arbitration Code.

1102 Section 40. This act shall take effect July 1, 2013.