

By Senator Torres

15-01612-20

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1 A bill to be entitled
2 An act relating to fees; amending s. 720.311, F.S.;
3 requiring that certain fees relating to nonbinding
4 arbitration be paid to the Department of Business and
5 Professional Regulation; requiring the prevailing
6 party in nonbinding arbitration to recover certain
7 costs and fees; providing a contingent effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (c) of subsection (2) of section
12 720.311, Florida Statutes, as amended by SB ____, 2020 Regular
13 Session, is amended to read:

14 720.311 Dispute resolution.—

15 (2)

16 (c)1. If presuit mediation as described in paragraph (a) is
17 not successful in resolving all issues between the parties, the
18 parties shall enter into mandatory nonbinding arbitration under
19 the procedures set forth in s. 718.1255 and rules adopted by the
20 division, with the arbitration proceeding to be conducted by a
21 department arbitrator or by a private arbitrator certified by
22 the department. Any party to the dispute may petition the
23 division for nonbinding arbitration. This paragraph does not
24 apply to disputes regarding use of or changes to the parcel or
25 the common areas and other covenant enforcement disputes. This
26 paragraph does not prohibit the parties from proceeding in a
27 trial de novo unless the parties agreed that the arbitration is
28 binding. A judicial proceeding must be initiated within 30 days
29 after the entry of the final decision of the arbitrator. If a

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30 judicial proceeding is initiated, the final decision of the
31 arbitrator is admissible into evidence at the trial de novo.

32 2. The petition for nonbinding arbitration must be
33 accompanied by a filing fee in the amount of \$200. Filing fees
34 collected under this subparagraph must be used to defray the
35 costs and expenses incurred by the department in conducting the
36 proceeding. If the filing fee does not cover all of the costs
37 and expenses incurred, the department shall charge each party an
38 amount adequate to cover its costs and expenses at the
39 conclusion of the proceeding. The fees paid to the department
40 are a recoverable cost in the arbitration proceeding, and the
41 prevailing party shall recover its reasonable costs and attorney
42 fees in addition to the fees the party paid to the department.

43 Section 2. This act shall take effect on the same date that
44 SB ___ or similar legislation takes effect, if such legislation
45 is adopted in the same legislative session or an extension
46 thereof and becomes a law.