

1 FLORIDA INTERNATIONAL COMMERCIAL ARBITRATION ACT

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12 CHAPTER I. GENERAL PROVISIONS

13 684.01 Article 1. Scope of application*

14 1. This Law applies to international commercial** arbitration, subject to any agreement in
15 force between this State and any other State or States.

16 2. The provisions of this Law, except articles(684.09) 8,(684.10) 9,(684.26) 17 H,(684.27)
17 17 I, (684.28)17 J,(684.46) 35 and (684.28) 36, apply only if the place of arbitration is in the
18 territory of this State.

* Article headings are for reference purposes only and are not to be used for purposes of interpretation.

** The term “commercial” should be given a wide interpretation so as to cover matters arising from all relationships of a commercial nature, whether contractual or not. Relationships of a commercial nature include, but are not limited to, the following transactions: any trade transaction for the supply or exchange of goods or services; distribution agreement; commercial representation or agency; factoring; leasing; construction of works; consulting; engineering; licensing; investment; financing; banking; insurance; exploitation agreement or concession; joint venture and other forms of industrial or business cooperation; carriage of goods or passengers by air, sea, rail or road.

1 3. An arbitration is international if:

2 (a) The parties to an arbitration agreement have, at the time of the conclusion of that
3 agreement, their places of business in different States; or

4 (b) One of the following places is situated outside the State in which the parties have
5 their places of business:

6 (i) the place of arbitration if determined in, or pursuant to, the arbitration
7 agreement;

8 (ii) any place where a substantial part of the obligations of the commercial
9 relationship is to be performed or the place with which the subject-matter
10 of the dispute is most closely connected; or

11 (c) the parties have expressly agreed that the subject-matter of the arbitration
12 agreement relates to more than one country.

13 4. For the purposes of paragraph 3 of this article:

14 (a) if a party has more than one place of business, the place of business is that which
15 has the closest relationship to the arbitration agreement;

16 (b) if a party does not have a place of business, reference is to be made to his habitual
17 residence.

18 5. This Law shall not affect any other law of this State by virtue of which certain disputes
19 may not be submitted to arbitration or may be submitted to arbitration only according to
20 provisions other than those of this Law.

21 684.02 Article 2. Definitions and Rules of Interpretation

22 For the purpose of this Law:

1 (a) “arbitration” means any arbitration whether or not administered by a permanent
2 arbitral institution;

3 (b) “arbitral tribunal” means a sole arbitrator or panel of arbitrators;

4 (c) “court” means a body or organ of the judicial system of a State;

5 (d) where a provision of this Law, except (684.39) article 28, leaves the parties free to
6 determine a certain issue, such freedom includes the right of the parties to authorize a third party,
7 including an institution, to make that determination;

8 (e) where a provision of this Law refers to the fact that the parties have agreed or that
9 they may agree or in any other way refers to an agreement of the parties, such agreement
10 includes any arbitration rules referred to in that agreement;

11 (f) where a provision of this Law, other than in (684.36(a) articles 25(a)
12 and(684.43(a) 32(2)(a), refers to a claim, it also applies to a counter-claim, and where it refers to
13 a defence, it also applies to a defence to such counter-claim.

14 684.03 Article 2 A. *International Origin and General Principles*

15 1. In the interpretation of this Law, regard is to be had to its international origin and to the
16 need to promote uniformity in its application and the observance of good faith.

17 2. Questions concerning matters governed by this Law which are not expressly settled in it
18 are to be settled in conformity with the general principles on which this Law is based.

19 684.04 Article 3. *Receipt of Written Communications*

20 1. Unless otherwise agreed by the parties:

21 (a) any written communication is deemed to have been received if it is delivered to
22 the addressee personally or if it is delivered at his place of business, habitual residence or
23 mailing address; if none of these can be found after making a reasonable inquiry, written

1 communication is deemed to have been received if it is sent to the addressee's last -known place
2 of business, habitual residence or mailing address by registered letter or any other means which
3 provides a record of the attempt to deliver it;

4 (b) the communication is deemed to have been received on the day it is so delivered.

5 2. The provisions of this article do not apply to communications in court proceedings.

6 684.05 Article 4. Waiver of Right to Object

7 A party who knows that any provision of this Law from which the parties may derogate or any
8 requirement under the arbitration agreement has not been complied with and yet proceeds with
9 the arbitration without stating his objection to such non-compliance without undue delay or, if a
10 time-limit is provided therefor, within such period of time, shall be deemed to have waived his
11 right to object.

12 684.06 Article 5. Extent of Court Intervention

13 In matters governed by this Law, no court shall intervene except where so provided in this Law.

14 684.07 Article 6. Court or Other Authority for Certain Functions of Arbitration

15 Assistance and Supervision

16 The functions referred to in(684.12(3) articles 11(3),(684.12(4) 11(4), (684.14(3) 13(3), (684.15)
17 14, (684.17(3) 16(3) and (684.45 (2) 34(2) shall be performed by . . . [Each State enacting this
18 model law specifies the court, courts or, where referred to therein, other authority competent to
19 perform these functions.]

20 CHAPTER II. ARBITRATION AGREEMENT

21 684.08 Article 7. Definition and Form of Arbitration Agreement

1 1. “Arbitration agreement” is an agreement by the parties to submit to arbitration all or
2 certain disputes which have arisen or which may arise between them in respect of a defined legal
3 relationship, whether contractual or not.

4 684.09 Article 8. Arbitration Agreement and Substantive Claim Before Court

5 1. A court before which an action is brought in a matter which is the subject of an
6 arbitration agreement shall, if a party so requests not later than when submitting his first
7 statement on the substance of the dispute, refer the parties to arbitration unless it finds that the
8 agreement is null and void, inoperative or incapable of being performed.

9 2. Where an action referred to in paragraph 1 of this article has been brought, arbitral
10 proceedings may nevertheless be commenced or continued, and an award may be made, while
11 the issue is pending before the court.

12 684.10 Article 9. Arbitration Agreement and Interim Measures by Court

13 It is not incompatible with an arbitration agreement for a party to request, before or during
14 arbitral proceedings, from a court an interim measure of protection and for a court to grant such a
15 measure.

16 CHAPTER III. COMPOSITION OF ARBITRAL TRIBUNAL

17 684.11 Article 10. Number of Arbitrators

- 18 1. The parties are free to determine the number of arbitrators.
19 2. Failing such determination, the number of arbitrators shall be three.

20 684.12 Article 11. Appointment of Arbitrators

21 1. No person shall be precluded by reason of his nationality from acting as an arbitrator,
22 unless otherwise agreed by the parties.

1 2. The parties are free to agree on a procedure of appointing the arbitrator or arbitrators,
2 subject to the provisions of paragraphs 4 and 5 of this article.

3 3. Failing such agreement,

4 (a) in an arbitration with three arbitrators, each party shall appoint one arbitrator, and
5 the two arbitrators thus appointed shall appoint the third arbitrator; if a party fails to appoint the
6 arbitrator within thirty days of receipt of a request to do so from the other party, or if the two
7 arbitrators fail to agree on the third arbitrator within thirty days of their appointment, the
8 appointment shall be made, upon request of a party, by the court or other authority specified in
9 (684.07) article 6;

10 (b) in an arbitration with a sole arbitrator, if the parties are unable to agree on the
11 arbitrator, he shall be appointed, upon request of a party, by the court or other authority specified
12 in article 6.

13 4. Where, under an appointment procedure agreed upon by the parties,

14 (a) a party fails to act as required under such procedure, or

15 (b) the parties, or two arbitrators, are unable to reach an agreement expected of them
16 under such procedure, or

17 (c) a third party, including an institution, fails to perform any function entrusted to it
18 under such procedure, any party may request the court or other authority specified in(684.07)
19 article 6 to take the necessary measure, unless the agreement on the appointment procedure
20 provides other means for securing the appointment.

21 5. A decision on a matter entrusted by paragraph 3 or 4 of this article to the court or other
22 authority specified in (684.07) article 6 shall be subject to no appeal. The court or other
23 authority, in appointing an arbitrator, shall have due regard to any qualifications required by the

1 arbitrator by the agreement of the parties and to such considerations as are likely to secure the
2 appointment of an independent and impartial arbitrator and, in the case of a sole or third
3 arbitrator, shall take into account as well the advisability of appointing an arbitrator of a
4 nationality other than those of the parties.

5 684.13 Article 12. Grounds for Challenge

6 1. When a person is approached in connection with his possible appointment as an
7 arbitrator, he shall disclose any circumstances likely to give rise to justifiable doubts as to his
8 impartiality or independence. An arbitrator, from the time of his appointment and throughout the
9 arbitral proceedings, shall without delay disclose any such circumstances to the parties unless
10 they have already been informed of them by him.

11 2. An arbitrator may be challenged only if circumstances exist that give rise to justifiable
12 doubts as to his impartiality or independence, or if he does not possess qualifications agreed to
13 by the parties. A party may challenge an arbitrator appointed by him, or in whose appointment
14 he has participated, only for reasons of which he became aware after the appointment has been
15 made.

16 684.14 Article 13. Challenge Procedure

17 1. The parties are free to agree on a procedure for challenging an arbitrator, subject to the
18 provisions of paragraph 3 of this article.

19 2. Failing such agreement, a party who intends to challenge an arbitrator shall, within
20 fifteen days after becoming aware of the constitution of the arbitral tribunal or after becoming
21 aware of any circumstance referred to in (684.13(2) article 12(2), send a written statement of the
22 reasons for the challenge to the arbitral tribunal. Unless the challenged arbitrator withdraws

1 from his office or the other party agrees to the challenge, the arbitral tribunal shall decide on the
2 challenge.

3 3. If a challenge under any procedure agreed upon by the parties or under the procedure of
4 paragraph 2 of this article is not successful, the challenging party may request, within thirty days
5 after having received notice of the decision rejecting the challenge, the court or other authority
6 specified in article 6 to decide on the challenge, which decision shall be subject to no appeal;
7 while such a request is pending, the arbitral tribunal, including the challenged arbitrator, may
8 continue the arbitral proceedings and make an award.

9 684.15 Article 14. Failure or Impossibility to Act

10 1. If an arbitrator becomes *de jure* or *de facto* unable to perform his functions or for other
11 reasons fails to act without undue delay, his mandate terminates if he withdraws form his office
12 or if the parties agree on the termination. Otherwise, if a controversy remains concerning any of
13 these grounds, any party may request the court or other authority specified in article 6 to decide
14 on the termination of the mandate, which decision shall be made subject to no appeal.

15 2. If, under this article or (684.14(2) article 13(2), an arbitrator withdraws form his office or
16 a party agrees to the termination of the mandate of an arbitrator, this does not imply acceptance
17 of the validity of any ground referred to in this article or in (684.13(2) article 12(2).

18 684.16 Article 15. Appointment of Substitute Arbitrator

19 Where the mandate of an arbitrator terminates under (684.14) article 13 or (684.15) 14 or
20 because of his withdrawal from office for any other reason or because of the revocation of his
21 mandate by agreement of the parties or in any other case of termination of his mandate, a
22 substitute arbitrator shall be appointed according to the rules that were applicable to the
23 appointment of the arbitrator being replaced.

1 CHAPTER IV. JURISDICTION OF ARBITRAL TRIBUNAL

2 684.17 Article 16. Competence of Arbitral Tribunal to Rule on its Jurisdiction

3 1. The arbitral tribunal may rule on its own jurisdiction, including any objections with
4 respect to the existence or validity of the arbitration agreement. For that purpose, an arbitration
5 clause which forms part of a contract shall be treated as an agreement independent of the other
6 terms of the contract. A decision by the arbitral tribunal that the contract is null and void shall
7 not entail ipso jure the invalidity of the arbitration clause.

8 2. A plea that the arbitral tribunal does not have jurisdiction shall be raised not later than the
9 submission of the statement of defence. A party is not precluded from raising such a plea by the
10 fact that he has appointed, or participated in the appointment of, an arbitrator. A plea that the
11 arbitral tribunal is exceeding the scope of its authority shall be raised as soon as the matter
12 alleged to be beyond the scope of its authority is raised during the arbitral proceedings. The
13 arbitral tribunal may, in either case, admit a later plea if it considers the delay justified.

14 3. The arbitral tribunal may rule on a plea referred to in paragraph 2 of this article either as a
15 preliminary question or in an award on the merits. If the arbitral tribunal rules as a preliminary
16 question that it has jurisdiction, any party may request, within thirty days after having received
17 notice of that ruling, the court specified in (684.07) article 6 to decide the matter, which decision
18 shall be subject to no appeal; while such a request is pending, the arbitral tribunal may continue
19 the arbitral proceedings and make an award.

20 CHAPTER V A. INTERIM MEASURES AND PRELIMINARY ORDERS

21 Section 1. Interim Measures

22 684.18 Article 17. Power of Arbitral Tribunal to Order Interim Measures

23 Unless otherwise agreed by the parties, the arbitral tribunal may, at the request of a party,

1 grant interim measures.

2 4. An interim measure is any temporary measure, whether in the form of an award or in
3 another form, by which, at any time prior to the issuance of the award by which the dispute is
4 finally decided , the arbitral tribunal orders a party to:

5 (a) Maintain or restore the status quo pending determination of the dispute;

6 (b) Take action that would prevent, or refrain from taking action that is likely to
7 cause, current or imminent harm or prejudice to the arbitral process itself;

8 (c) Provide a means of preserving assets out of which a subsequent award may be
9 satisfied; or

10 (d) Preserve evidence that may be relevant and material to the resolution of the
11 dispute.

12 684.19 Article 17A. Conditions for Granting Interim Measures

13 1. The party requesting an interim measure under (684.18) article 17, paragraph 2(a), (b)
14 and (c) shall satisfy the arbitral tribunal that:

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

18 (b) There is a reasonable possibility that the requesting party will succeed on the
19 merits of the claim. The determination on this possibility shall not affect the discretion of the
20 arbitral tribunal in making any subsequent determination.

21 2. With regard to a request for an interim measure under (684.18) article 17, paragraph 2(d),
22 the requirements in paragraph 1(a) and (b) of this article shall apply only to the extent the arbitral
23 tribunal considers appropriate.

1 Section 2. Preliminary Orders

2 684.20 Article 17B. Applications for Preliminary Orders and Conditions for Granting

3 Preliminary Orders

4 1. Unless otherwise agreed by the parties, a party may, without notice to any other party,
5 make a request for an interim measure together with an application for a preliminary order
6 directing a party not to frustrate the purpose of the interim measure requested.

7 2. The arbitral tribunal may grant a preliminary order provided it considers that prior
8 disclosure of the request for the interim measure to the party against whom it is directed risks
9 frustrating the purpose of the measure.

10 3. The conditions defined under (684.19) article 17A apply to any preliminary order,
11 provided that the harm to be assessed under (684.19) article 17A, paragraph 1(a), is the harm
12 likely to result from the order being granted or not.

13 684.21 Article 17C. Specific Regime for Preliminary Orders

14 1. Immediately after the arbitral tribunal has made a determination in respect of an
15 application for a preliminary order, the arbitral tribunal shall give notice to all parties of the
16 request for the interim measure, the application for the preliminary order, the preliminary order,
17 if any, and all other communications , including by indicating the content of any oral
18 communication, between any party and the arbitral tribunal in relation thereto.

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

21 3. The arbitral tribunal shall decide promptly on any objection to the preliminary order.

22 4. A preliminary order shall expire after twenty days from the date on which it was issued
23 by the arbitral tribunal. However, the arbitral tribunal may issue an interim measure adopting or

1 modifying the preliminary order, after the party against whom the preliminary order is directed
2 has been given notice and an opportunity to present its case.

3 5. A preliminary order shall be binding on the parties but shall not be subject to
4 enforcement by a court. Such a preliminary order does not constitute an award.

5 Section 3. Provisions Applicable to Interim Measures and Preliminary Orders

6 684.22 Article 17D. Modification, Suspension, Termination

7 The arbitral tribunal may modify, suspend or terminate an interim measure or a
8 preliminary order it has granted, upon application of any party or, in exceptional circumstances
9 and upon prior notice to the parties, on the arbitral tribunal's own initiative.

10 684.23 Article 17E. Provision of Security

11 1. The arbitral tribunal may require the party requesting an interim measure to provide
12 appropriate security in connection with the measure.

13 2. The arbitral tribunal shall require the party applying for a preliminary order to provide
14 security in connection with the order unless the arbitral tribunal considers it inappropriate or
15 unnecessary to do so.

16 684.24 Article 17F. Disclosure

17 1. The arbitral tribunal may require any party promptly to disclose any material change in
18 the circumstances on the basis of which the measure was requested or granted.

19 2. The party applying for a preliminary order shall disclose to the arbitral tribunal all
20 circumstances that are likely to be relevant to the arbitral tribunal's determination whether to
21 grant or maintain the order, and such obligation shall continue until the party against whom the
22 order has been requested has had an opportunity to present its case. Thereafter, paragraph 1 of
23 this article shall apply.

1 684.25 Article 17G. Costs and Damages

2 The party requesting an interim measure or applying for a preliminary order shall be
3 liable for any costs and damages caused by the measure or the order to any party if the arbitral
4 tribunal later determines that, in the circumstances, the measure or the order should not have
5 been granted. The arbitral tribunal may award such costs and damages at any point during the
6 proceedings.

7 Section 4. Recognition and Enforcement of Interim Measures

8 684.26 Article 17H. Recognition and Enforcement

9 1. An interim measure issued by an arbitral tribunal shall be recognized as binding and,
10 unless otherwise provided by the arbitral tribunal, enforced upon application to the competent
11 court, irrespective of the country in which it was issued, subject to the provisions of (684.19 (1)
12 article 17.1.

13 2. The party who is seeking or has obtained recognition or enforcement of an interim
14 measure shall promptly inform the court of any termination, suspension or modification or of
15 that interim measure.

16 3. The court of the State where recognition or enforcement is sought may, if it considers it
17 proper, order the requesting party to provide appropriate security if the arbitral tribunal has not
18 already made a determination with respect to security or where such a decision is necessary to
19 protect the rights of third parties.

20 684.27 Article 17I. Grounds for Refusing Recognition or Enforcement^{*}

21 1. Recognition or enforcement of an interim measure may be refused only:

* The conditions set forth in (684.27) article 17 I are intended to limit the number of circumstances in which the court may refuse to enforce an interim measure. It would not be contrary to the level of harmonization sought to be achieved by these model provisions if a State were to adopt fewer circumstances in which enforcement may be refused.

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

2 (i) Such refusal is warranted on the grounds set forth in (684.47) article 36,
3 paragraph 1 (a)(i), (ii), (iii) or (iv); or

4 (ii) The arbitral tribunal's decision with respect to the provision of security in
5 connection with the interim measure issued by the arbitral tribunal has not been complied with;
6 or

7 (iii) The interim measure has been terminated or suspended by the arbitral
8 tribunal or, where so empowered, by the court of the State in which the arbitration takes place or
9 under the law of which that interim measure was granted; or

10 (b) If the court finds that:

11 (i) The interim measure is incompatible with the powers conferred upon the
12 court unless the court decides to reformulate the interim measure to the extent necessary to adapt
13 it to its own powers and procedures for the purpose of enforcing that interim measure and
14 without modifying its substance; or

15 (ii) Any of the grounds set forth in (684.47) article 36, paragraph 1 (b)(i) or
16 (ii), apply to the recognition and enforcement of the interim measure.

17 2. Any determination made by the court on any ground in paragraph 1 of this article shall be
18 effective only for the purposes of the application to recognize and enforce the interim measure.

19 The court where recognition or enforcement is sought shall not, in making that determination,
20 undertake a review of the substance of the interim measure.

21 Section 5. Court-Ordered Interim Measures

22 684.28 Article 17J. Court-Ordered Interim Measures

23 A court shall have the same power of issuing an interim measure in relation to arbitration

1 proceedings, irrespective of whether their place is in the territory of this State, as it has in
2 relation to the proceedings in courts. The court shall exercise such power in accordance with its
3 own procedures in consideration of the specific features of international arbitration.

4 CHAPTER VI. CONDUCT OF ARBITRAL PROCEEDINGS

5 684.29 Article 18. Equal Treatment of Parties

6 The parties shall be treated with equality and each party shall be given a full opportunity of
7 presenting his case.

8 684.30 Article 19. Determination of Rules of Procedure

9 1. Subject to the provisions of this Law, the parties are free to agree on the procedure to be
10 followed by the arbitral tribunal in conducting the proceedings.

11 2. Failing such agreement, the arbitral tribunal may, subject to the provisions of this Law,
12 conduct the arbitration in such manner as it considers appropriate. The power conferred upon the
13 arbitral tribunal includes the power to determine the admissibility, relevance, materiality and
14 weight of any evidence.

15 684.31 Article 20. Place of Arbitration

16 1. The parties are free to agree on the place of arbitration. Failing such agreement, the place
17 of arbitration shall be determined by the arbitral tribunal having regard to the circumstances of
18 the case, including the convenience of the parties.

19 2. Notwithstanding the provisions of paragraph 1 of this article, the arbitral tribunal may,
20 unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation
21 among its members, for hearing witnesses, experts or the parties, or for inspection of goods,
22 other property or documents.

23 684.32 Article 21. Commencement of Arbitral Proceedings

1 Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute
2 commence on the date on which a request for that dispute to be referred to an arbitration is
3 received by the respondent.

4 684.33 Article 22. Language

5 1. The parties are free to agree on the language or languages to be used in the arbitral
6 proceedings. Failing such agreement, the arbitral tribunal shall determine the language or
7 languages to be used in the proceedings. This agreement or determination, unless otherwise
8 specified therein, shall apply to any written statement by a party, any hearing and any award,
9 decision or other communication by the arbitral tribunal.

10 2. The arbitral tribunal may order that any documentary evidence shall be accompanied by a
11 translation into the language or languages agreed upon by the parties or determined by the
12 arbitral tribunal.

13 684.34 Article 23. Statements of Claim and Defence

14 1. Within the period of time agreed by the parties or determined by the arbitral tribunal, the
15 claimant shall state the facts supporting his claim, the points at issue and the relief or remedy
16 sought, and the respondent shall state his defence in respect of these particulars, unless the
17 parties have otherwise agreed as to the required elements of such statements. The parties may
18 submit with their statements all documents they consider to be relevant or may add a reference to
19 the documents or other evidence they will submit.

20 2. Unless otherwise agreed by the parties, either party may amend or supplement his claim
21 or defence during the course of the arbitral proceedings, unless the arbitral tribunal considers it
22 inappropriate to allow such amendment having regard to the delay in making it.

23 684.35 Article 24. Hearings and Written Proceedings

1 1. Subject to any contrary agreement by the parties, the arbitral tribunal shall decide
2 whether to hold oral hearings for the presentation of evidence or for oral argument, or whether
3 the proceedings shall be conducted on the basis of documents and other materials. However,
4 unless the parties have agreed that no hearings shall be held, the arbitral tribunal shall hold such
5 hearings at an appropriate stage of the proceedings, if so requested by a party.

6 2. The parties shall be given sufficient advance notice of any hearing and of any meeting of
7 the arbitral tribunal for the purposes of inspection of goods, other property or documents.

8 3. All statements, documents or other information supplied to the arbitral tribunal by one
9 party shall be communicated to the other party. Also any expert report or evidentiary document
10 on which the arbitral tribunal may rely in making its decision shall be communicated to the
11 parties.

12 684.36 Article 25. Default of a Party

13 Unless otherwise agreed by the parties, if, without showing sufficient cause,

14 (a) the claimant fails to communicate his statement of claim in accordance with
15 article 23(1), the arbitral tribunal shall terminate of the proceedings;

16 (b) the respondent fails to communicate his statement of defence in accordance with
17 article 23(1), the arbitral tribunal shall continue the proceedings without treating such failure in
18 itself as an admission of the claimant's allegations;

19 (c) any party fails to appear at a hearing or to produce documentary evidence, the
20 arbitral tribunal may continue the proceedings and make the award on the evidence before it.

21 684.37 Article 26. Expert Appointed by Arbitral Tribunal

22 1. Unless otherwise agreed by the parties, the arbitral tribunal:

1 (a) may appoint one or more experts to report to it on specific issues to be determined
2 by the arbitral tribunal;

3 (b) may require a party to give the expert any relevant information or to produce, or
4 to provide access to, any relevant documents, goods or other property for his inspection.

5 2. Unless otherwise agreed by the parties, if a party so requests or if the arbitral tribunal
6 considers it necessary, the expert shall, after delivery of his written or oral report, participate in a
7 hearing where the parties have the opportunity to put questions to him and to present expert
8 witnesses in order to testify on the points at issue.

9 684.38 Article. 27 Court Assistance in Taking Evidence

10 The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a
11 competent court of this State assistance in taking evidence. The court may execute the request
12 within its competence and according to its rules on taking evidence.

13 CHAPTER VII. MAKING OF AWARD AND TERMINATION OF PROCEEDINGS

14 684.39 Article 28. Rules Applicable to Substance of Dispute

15 1. The arbitral tribunal shall decide the dispute in accordance with such rules of law as are
16 chosen by the parties as applicable to the substance of the dispute. Any designation of the law or
17 legal system of a given State shall be construed, unless otherwise expressed, as directly referring
18 to the substantive law of that State and not to its conflict of laws rule.

19 2. Failing any designation by the parties, the arbitral tribunal shall apply the law determined
20 by the conflict of laws rules which it considers applicable.

21 3. The arbitral tribunal shall decide *ex aequo et bono* or as *amiable compositeur* only if the
22 parties have expressly authorized it to do so.

1 4. In all cases, the arbitral tribunal shall decide in accordance with the terms of the contract
2 and shall take into account the usages of the trade applicable to the transaction.

3 684.40 Article 29. Decision Making by Panel of Arbitrators

4 In arbitral proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be
5 made, unless otherwise agreed by the parties, by a majority of all its members. However,
6 questions of procedure may be decided by a presiding arbitrator, if so authorized by the parties or
7 all members of the arbitral tribunal.

8 684.41 Article 30. Settlement

9 1. If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall
10 terminate the proceedings and, if requested by the parties and not objected to by the arbitral
11 tribunal, record the settlement in the form of an arbitral award on agreed terms.

12 2. An award on agreed terms shall be made in accordance with the provisions of (684.42)
13 article 31 and shall state that it is an award. Such an award has the same status and effect as any
14 other award on the merits of the case.

15 684.42 Article 31. Form and Contents of Award

16 1. The award shall be made in writing and shall be signed by the arbitrator or arbitrators. in
17 arbitral proceedings with more than one arbitrator, the signatures of the majority of all members
18 of the arbitral tribunal shall suffice, provided that the reason for any omitted signature is stated.

19 2. The award shall state that the reasons upon which it is based, unless the parties have
20 agreed that no reasons are to be given or the award is an award on agreed terms under (684.40)
21 Article 30.

22 3. The award shall state its date and the place of arbitration as determined in accordance
23 with (684.31(1) article 20(1). The award shall be deemed to have been made at that place.

1 4. After the award is made, a copy signed by the arbitrators in accordance with paragraph
2 (1) of this article shall be delivered to each party.

3 684.43 Article 32. Termination of Proceedings

4 1. The arbitral proceedings are terminated by the final award or by an order of the arbitral
5 tribunal in accordance with paragraph (2) of this article.

6 2. The arbitral tribunal shall issue an order for the termination of the arbitral proceedings
7 when:

8 (a) the claimant withdraws his claim, unless the respondent objects thereto and the
9 arbitral tribunal recognizes a legitimate interest on his part in obtaining a final settlement of the
10 dispute;

11 (b) the parties agree on the termination of the proceedings;

12 (c) the arbitral tribunal finds that the continuation of the proceedings has for any
13 other reason become unnecessary or impossible.

14 3. The mandate of the arbitral tribunal terminates with the termination of the arbitral
15 proceedings, subject to the provisions of (684.44) articles 33 and (684.45(4) 34(4).

16 684.44 Article 33. Correction and Interpretation of Award; Additional Award

17 1. Within thirty days of receipt of the award, unless another period of time has been agreed
18 upon by the parties:

19 (a) a party, with notice to the other party, may request the arbitral tribunal to correct
20 in the award any errors in computation, any clerical or typographical errors or any errors of
21 similar nature.

22 (b) if so agreed by the parties, a party, with notice to the other party, may request the
23 arbitral tribunal to give an interpretation of a specific point or part of the award.

1 If the arbitral tribunal considers the request to be justified, it shall make the correction or give the
2 interpretation within thirty days of the request. The interpretation shall form part of the award.

3 2. The arbitral tribunal may correct any error of the type referred to in paragraph 1(a) of this
4 article on its own initiative within thirty days of the date of the award.

5 3. Unless otherwise agreed by the parties, a party, with notice to the other party, may
6 request, within thirty days of the receipt of the award, the arbitral tribunal to make an additional
7 award as to claims presented in the arbitral proceedings but omitted from the award. If the
8 arbitral tribunal considers the request to be justified, it shall make the additional award within
9 sixty days.

10 4. The arbitral tribunal may extend, if necessary, the period of time within which it shall
11 make a correction, interpretation or additional award under paragraph (1) or (3) of this article.

12 5. The provisions of article 31 shall apply to a correction or interpretation of the award or to
13 an additional award.

14 CHAPTER VIII. RECOURSE AGAINST AWARD

15 684.45 Article 34. Application for Setting Aside as Exclusive Recourse
16 Against Arbitral Award

17 1. Recourse to a court against an arbitral award may be made only by an application for
18 setting aside in accordance with paragraphs (2) and (3) of this article.

19 2. An arbitral award may be set aside by the court specified in (684.07) article 6 only if:

20 (a) the party making the application furnishes proof that:

21 (i) a party to the arbitration agreement referred to in (684.08) article 7 was
22 under some incapacity; or the said agreement is not valid under the law to

1 which the parties have subjected it or, failing any indication thereon, under
2 the law of this State; or

3 (ii) the party making the application was not given proper notice of the
4 appointment of an arbitrator or of the arbitral proceedings or was
5 otherwise unable to present his case; or

6 (iii) the award deals with a dispute not contemplated by or not falling with the
7 terms of the submissions to arbitration, or contains decisions on matters
8 beyond the scope of the submission to arbitration, provided that, if the
9 decisions on matters submitted to arbitration can be separated from those
10 not so submitted, only that part of the award which contains decisions on
11 matters not submitted to arbitration may be set aside; or

12 (iv) the composition of the arbitral tribunal or the arbitral procedure was not in
13 accordance with the agreement of the parties, unless such agreement was
14 in conflict with a provision of this Law from which the parties cannot
15 derogate, or, failing such agreement, was not in accordance with the Law;

16 or

17 (b) the court finds that:

18 (i) the subject-matter of the dispute is not capable of settlement by arbitration
19 under the law of this State; or

20 (ii) the award is in conflict with the public policy of this State.

21 3. An application for setting aside may not be made after three months have elapsed from
22 the date on which the party making that application had received the award or, if a request had

1 been made under (684.44) article 33, from the date on which that request had been disposed of
2 by the arbitral tribunal.

3 4. The court, when asked to set aside an award, may, where appropriate and so requested by
4 a party, suspend the setting aside proceedings for a period of time determined by it in order to
5 give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other
6 action as in the arbitral tribunal's opinion will eliminate the grounds for setting aside.

7 CHAPTER IX. RECOGNITION AND ENFORCEMENT OF AWARDS

8 684.46 Article 35. Recognition and Enforcement

9 1. An arbitral award, irrespective of the country in which it was made, shall be recognized
10 as binding and, upon application in writing to the competent court, shall be enforced subject to
11 the provisions of this article and of (684.47)article 36.

12 2. The party relying on an award or applying for its enforcement shall supply the original
13 award or a copy thereof. If the award is not made in an official language of this State, the court
14 may request the party to supply a translation thereof into such language.

15 684.47 Article 36. Grounds for Refusing Recognition or Enforcement

16 1. Recognition or enforcement of an arbitral award, irrespective of the country in which it
17 was made, may be refused only:

18 (a) at the request of the party against whom it is invoked, if that party furnishes to the
19 competent court where recognition or enforcement is sought proof that:

20 (i) a party to the arbitration agreement referred to in (684.08) article 7 was
21 under some incapacity; or the said agreement is not valid under the law to which the parties have
22 subjected it or, failing any indication thereon, under the law of the country where the award was
23 made; or

1 (ii) the party against whom the award is invoked was not given proper notice
2 of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to
3 present his case; or

4 (iii) the award deals with a dispute not contemplated by or not falling within
5 the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of
6 the submission to arbitration, provided that, if the decisions on matters submitted to arbitration
7 can be separated from those not so submitted, that part of the award which contains decisions on
8 matters submitted to arbitration may be recognized and enforced; or

9 (iv) the composition of the arbitral tribunal or the arbitral procedure was not in
10 accordance with the agreement of the parties or, failing such agreement, was not in accordance
11 with the law of the country where the arbitration took place; or

12 (v) the award has not yet become binding on the parties or has been set aside
13 or suspended by a court of the country in which, or under the law of which, that award was
14 made; or

15 (b) if the court finds that:

16 (i) the subject-matter of the dispute is not capable of settlement by arbitration
17 under the law of this state; or

18 (ii) the recognition or enforcement of the award would be contrary to the
19 public policy of this State.

20 2. If an application for setting aside or suspension of an award has been made to a court
21 referred to in paragraph 1(a)(v) of this article, the court where recognition or enforcement is
22 sought may, if it considers it proper, adjourn its decision and may also, on the application of the

1 party claiming recognition or enforcement of the award, order the other party to provide
2 appropriate security.

3

Proposed

1 **CHAPTER 684**

2 **ARBITRATION: INTERNATIONAL RELATIONSHIPS**

3 **PART I**

4 **TITLE, POLICY, SCOPE, AND DEFINITIONS (ss. 684.01-684.04)**

5 **PART II**

6 **CONDUCT OF ARBITRATIONS (ss. 684.05-684.20)**

7 **PART III**

8 **COURT PROCEEDINGS IN CONNECTION WITH ARBITRATION**

9 **(ss. 684.21-684.35)**

10 **PART I**

11 **TITLE, POLICY,**
12 **SCOPE, AND DEFINITIONS**

13
14 ~~684.01 Short title.~~

15 ~~684.02 Policy.~~

16 ~~684.03 Scope of this chapter.~~

17 ~~684.04 Definitions.~~

18
19 ~~**684.01 Short title.** This chapter shall be known and may be cited as the "Florida International~~
20 ~~Arbitration Act."~~

21 ~~**History.**—s. 1, ch. 86-266.~~

22
23 ~~**684.02 Policy.**—~~

1 ~~(1) It is the policy of the Legislature to encourage the use of arbitration to resolve disputes~~
2 ~~arising out of international relationships and to assure access to the courts of this state for legal~~
3 ~~proceedings ancillary to, or otherwise in aid of, such arbitration.~~

4 ~~(2) Any person may enter into a written undertaking to arbitrate any dispute then existing or~~
5 ~~thereafter arising between that person and another. If the dispute is within the scope of this~~
6 ~~chapter, the undertaking shall be enforced by the courts of this state in accordance with s. 684.22~~
7 ~~without regard to the justiciable character of the dispute. In addition, if the undertaking is~~
8 ~~governed by the law of this state, it shall be valid and enforceable in accordance with ordinary~~
9 ~~principles of contract law.~~

10 ~~History.—s. 1, ch. 86-266.~~

11
12 ~~**684.03 Scope of this chapter.—**~~

13 ~~(1) This chapter shall only apply to the arbitration of disputes between:~~

14 ~~(a) Two or more persons at least one of whom is a nonresident of the United States; or~~

15 ~~(b) Two or more persons all of whom are residents of the United States if the dispute:~~

16 ~~1. Involves property located outside the United States;~~

17 ~~2. Relates to a contract or other agreement which envisages performance or enforcement in~~
18 ~~whole or in part outside the United States;~~

19 ~~3. Involves an investment outside the United States or the ownership, management, or operation~~
20 ~~of a business entity through which such an investment is effected, or any agreement pertaining to~~
21 ~~any interest in such an entity; or~~

22 ~~4. Bears some other relation to one or more foreign countries.~~

23 ~~(2) Notwithstanding the provisions of subsection (1), this chapter shall not apply to the~~
24 ~~arbitration of:~~

1 ~~(a) Any dispute pertaining to the ownership, use, development, or possession of, or a lien of~~
2 ~~record upon, real property located in this state, unless the parties in writing expressly submit the~~
3 ~~arbitration of that dispute to this chapter; or~~

4 ~~(b) Any dispute involving domestic relations or of a political nature between two or more~~
5 ~~governments.~~

6 ~~(3) If, in any arbitration within the scope of this chapter, reference must, under applicable~~
7 ~~conflict of laws principles, be made to the arbitration law of this state, such reference shall be to~~
8 ~~this chapter.~~

9 ~~(4) This chapter shall not apply to conciliation or mediation proceedings except as provided in s.~~
10 ~~684.10.~~

11 ~~**History.**—s. 1, ch. 86-266.~~

12
13 ~~**684.04 Definitions.**—As used in this chapter:~~

14 ~~(1) The term "person" shall have the meaning set forth in s. 1.01(3) and shall include a~~
15 ~~government or any agency, instrumentality, or subdivision thereof.~~

16 ~~(2) The term "resident of the United States" means:~~

17 ~~(a) A natural person who maintains his or her sole residence within a state, possession, or~~
18 ~~territory of the United States or within the District of Columbia; or~~

19 ~~(b) Any other person organized or incorporated under the laws of the United States or any state,~~
20 ~~possession, or territory thereof or of the District of Columbia.~~

21 ~~(3) The term "nonresident of the United States" means any person not a resident of the United~~
22 ~~States as defined in subsection (2).~~

23 ~~(4) Any reference to a "written undertaking to arbitrate" shall be to that writing by which a~~
24 ~~person undertakes to submit a dispute to arbitration, without regard to whether that undertaking~~

1 ~~is sufficient to sustain a valid and enforceable contract or is subject to defenses. A written~~
2 ~~undertaking to arbitrate may be part of a contract, or may be a separate writing, and may be~~
3 ~~contained in correspondence, telegrams, telexes, or any other form of written communication.~~

4 ~~**History.**— s. 1, ch. 86-266; s. 732, ch. 97-102.~~

5

6

PART II

7

CONDUCT OF ARBITRATIONS

8

9 ~~684.05 Scope of part.~~

10 ~~684.06 Conduct of the arbitration.~~

11 ~~684.07 Freedom of parties to fix rules for arbitration.~~

12 ~~684.08 Notice commencing arbitration; answer and notices during arbitration.~~

13 ~~684.09 Appointment of the arbitral tribunal.~~

14 ~~684.10 Mediation, conciliation, and settlement.~~

15 ~~684.11 Majority action by the arbitral tribunal.~~

16 ~~684.12 Consolidation of arbitrations.~~

17 ~~684.13 Hearings; place of arbitration.~~

18 ~~684.14 Representation by counsel.~~

19 ~~684.15 Evidence; witnesses; subpoenas; depositions.~~

20 ~~684.16 Interim relief.~~

21 ~~684.17 Applicable law.~~

22 ~~684.18 Interest.~~

23 ~~684.19 Awards.~~

24 ~~684.20 Change of award.~~

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~~684.05 Scope of part.~~ This part shall apply to any arbitration within the scope of this chapter, without regard to whether the place of arbitration is within or without this state, if:

~~(1) The written undertaking to arbitrate expressly provides, or the parties otherwise agree, that the law of this state shall apply;~~

~~(2) In the absence of a choice of law provision applicable to the written undertaking to arbitrate, that undertaking forms part of a contract the interpretation of which is to be governed by the law of this state; or~~

~~(3) In any other case, the arbitral tribunal decides under applicable conflict of laws principles that the arbitration shall be conducted in accordance with the law of this state.~~

~~History.~~ s. 1, ch. 86-266.

~~684.06 Conduct of the arbitration.~~

~~(1) Except as provided in this chapter or in the written undertaking to arbitrate, the arbitral tribunal shall conduct the arbitration as it deems appropriate, including determination of the language to be used.~~

~~(2) The arbitral tribunal shall have the power to rule on all challenges to its jurisdiction. This shall include, without limitation, challenges based on the claim that the written undertaking to arbitrate does not exist or does not give rise to a valid and enforceable agreement, challenges asserting that the dispute is not within the scope of the questions referable to arbitration or is otherwise nonarbitrable, and challenges to the composition of, or method used in forming, the tribunal.~~

~~History.~~ s. 1, ch. 86-266.

1 ~~**684.07 Freedom of parties to fix rules for arbitration.—**~~

2 ~~(1) The parties may at any time agree in writing to conduct the arbitration in accordance with~~
3 ~~such rules as they may select, including any system of rules incorporated by reference in the~~
4 ~~written undertaking to arbitrate. In determining those rules, the parties may elect to exclude from~~
5 ~~the arbitration one or more provisions of this part. The provisions of this part shall not apply~~
6 ~~except to the extent consistent with and subject to the rules adopted by the parties. As used in~~
7 ~~this part, the term "written undertaking to arbitrate" includes any system of rules selected by the~~
8 ~~parties.~~

9 ~~(2) If any provision of this part or of the written undertaking to arbitrate is not complied with,~~
10 ~~any party who nevertheless proceeds with the arbitration without stating her or his objection~~
11 ~~without undue delay or, if a time limit is provided for stating such objection, within such time~~
12 ~~period may be deemed to have waived or be estopped from any right to object.~~

13 ~~**History.**—s. 1, ch. 86-266; s. 733, ch. 97-102.~~

14
15 ~~**684.08 Notice commencing arbitration; answer and notices during arbitration.—**~~

16 ~~(1) A party desiring to arbitrate a dispute pursuant to a written undertaking to arbitrate shall give~~
17 ~~or cause to be given to all parties to that undertaking written notice of the commencement of the~~
18 ~~arbitration. The notice shall set forth the nature of the dispute, the names and addresses of the~~
19 ~~parties, a reference to the written undertaking to arbitrate, a demand that the dispute be referred~~
20 ~~to arbitration under that undertaking, and a statement of the relief sought, including the amount~~
21 ~~claimed, if any. The notice may also include a proposal for the method of appointing the arbitral~~
22 ~~tribunal, if that method has not already been agreed upon, or may give notice of the appointment~~
23 ~~of an arbitrator.~~

1 ~~(2) The notice commencing arbitration shall be served upon the other parties to the written~~
2 ~~undertaking to arbitrate in the manner provided in that undertaking or, in the absence of such a~~
3 ~~provision, in a manner reasonably designed to give other parties actual notice of the proposed~~
4 ~~proceedings.~~

5 ~~(3) If a party to a written undertaking to arbitrate dies or if a committee of the person or property~~
6 ~~of a party to such an undertaking is appointed, an arbitration under that undertaking may be~~
7 ~~commenced or continued by, or upon notice to, the personal representative or administrator of~~
8 ~~the deceased party; the committee of the person or property of that party; or, where the~~
9 ~~proceedings relate to real property, any distributee or devisee who has succeeded to the deceased~~
10 ~~party's interest in the property.~~

11 ~~(4) Following its appointment, the arbitral tribunal shall fix a time within which any party~~
12 ~~served with a notice commencing arbitration must file with the tribunal such written answer,~~
13 ~~counterclaim, or cross claim as that party determines appropriate. Such answer, counterclaim, or~~
14 ~~cross claim shall also be served upon the other parties to the arbitration in the manner provided~~
15 ~~in the written undertaking to arbitrate or, in the absence thereof, in the manner fixed by the~~
16 ~~arbitral tribunal. Failure to file an answer shall constitute a general denial of the claim set forth in~~
17 ~~the notice commencing the arbitration.~~

18 ~~(5) If in the course of an arbitration it becomes necessary or advisable for any party to give~~
19 ~~notice to or serve documents upon the arbitral tribunal or one or more parties to the arbitration, it~~
20 ~~shall do so in the manner provided in the written undertaking to arbitrate or, in the absence~~
21 ~~thereof, in the manner fixed by the tribunal.~~

22 ~~**History.**— s. 1, ch. 86-266.~~

23

1 ~~**684.09 Appointment of the arbitral tribunal.** If the parties in the written undertaking to~~
2 ~~arbitrate or otherwise agree upon a method for appointing the arbitral tribunal or any member~~
3 ~~thereof or successor thereto, that method shall be followed. If, notwithstanding that undertaking,~~
4 ~~the parties agree upon named arbitrators, the arbitrators so named shall constitute the tribunal. If~~
5 ~~the parties shall fail to agree upon such a method or if the method selected shall fail and the~~
6 ~~parties shall not have otherwise named the tribunal, such appointment may be made as provided~~
7 ~~in s. 684.23(1). Unless the parties otherwise agree, the tribunal shall consist of a single arbitrator.~~

8 ~~**History.**—s. 1, ch. 86-266.~~

9
10 ~~**684.10 Mediation, conciliation, and settlement.**~~

11 ~~(1) If during the arbitral proceedings a party claims in writing that one or more of the parties has~~
12 ~~not complied with an agreement to submit a dispute to mediation or conciliation, the arbitral~~
13 ~~tribunal shall determine the validity and timeliness of that claim and, upon finding it valid and~~
14 ~~timely, shall hold the arbitral proceedings in abeyance pending submission of the dispute to~~
15 ~~mediation or conciliation as agreed. Thereafter, the tribunal shall proceed to arbitrate the dispute~~
16 ~~when satisfied that the attempt at mediation or conciliation has failed.~~

17 ~~(2) If before a final award is issued the parties agree to settle their dispute, the arbitral tribunal~~
18 ~~shall either issue an order terminating the arbitral proceeding or, if requested by the parties and~~
19 ~~accepted by the tribunal, record the agreed settlement in the form of a final award.~~

20 ~~**History.**—s. 1, ch. 86-266.~~

21
22 ~~**684.11 Majority action by the arbitral tribunal.** If the arbitral tribunal consists of more than~~
23 ~~one arbitrator, its powers shall be exercised by a majority of its members, except that the tribunal~~

1 may authorize the presiding arbitrator to decide matters of procedure subject to review by the full
2 tribunal.

3 ~~History.—s. 1, ch. 86-266.~~

4
5 **~~684.12 Consolidation of arbitrations.—~~**

6 (1) ~~If two or more disputes have common questions of law or fact or arise out of a single~~
7 ~~transaction or enterprise and if at least one of those disputes is to be arbitrated under this chapter,~~
8 ~~the disputes may be consolidated and determined by one arbitral tribunal if consolidation is not~~
9 ~~prohibited by the arbitral law or the rules otherwise applicable to the separate disputes and:~~

10 (a) ~~All affected parties agree to the consolidation; or~~

11 (b) ~~All of the disputes are to be submitted to the same tribunal, and the tribunal determines that~~
12 ~~consolidation will serve the interests of justice and the expeditious resolution of the disputes.~~

13 (2) ~~The consolidated proceedings shall be conducted under such rules as the parties agree upon~~
14 ~~or, in the absence of agreement, as determined by the arbitral tribunal.~~

15 ~~History.—s. 1, ch. 86-266.~~

16
17 **~~684.13 Hearings; place o arbitration.—~~**

18 (1) ~~At the request of a party or upon its own initiative, the arbitral tribunal shall conduct one or~~
19 ~~more hearings for the purpose of examining witnesses, inspecting documents or other evidence,~~
20 ~~or entertaining oral arguments; however, if the parties shall request more than one hearing, the~~
21 ~~determination as to whether any hearings shall be held subsequent to the first hearing shall be~~
22 ~~made by the tribunal. A hearing may be held at any place within or without this state that the~~
23 ~~tribunal determines appropriate, whether or not that place is the place of arbitration. In the~~
24 ~~absence of a request for a hearing, the tribunal may proceed on the basis of documents and other~~

1 materials. If a hearing is to be conducted, the tribunal shall cause notice to be given to each party
2 not less than 14 days before the hearing, unless notice proves impossible after efforts reasonably
3 designed to give actual notice. Appearance at a hearing without timely objection shall constitute
4 a waiver of the notice requirement.

5 (2) Prior to a date certain established by the arbitral tribunal, any party may amend a claim,
6 answer, counterclaim, or cross claim previously filed by it or may assert additional claims,
7 counterclaims, or cross claims. After that date, all such additions and amendments shall be at the
8 discretion of the tribunal.

9 (3) The place of arbitration, whether within or without this state, shall be determined by the
10 parties or, in the absence of such determination, by the arbitral tribunal having regard to the
11 circumstances of the arbitration. Selection of the place of arbitration shall not in itself constitute
12 selection of the procedural or substantive law of that place as the law governing the arbitration.

13 (4) The arbitral tribunal may hold meetings at any place, whether or not it is the place of
14 arbitration, and may use any means of communication it deems appropriate.

15 (5) The arbitral tribunal may adjourn its proceedings from time to time upon its own initiative
16 and shall do so upon the request of a party for good cause shown; however, no adjournment shall
17 extend the proceedings beyond the date fixed by the parties for issuance of a final award unless
18 the parties extend that date.

19 (6) The arbitral tribunal may dismiss any claim, counterclaim, or cross claim which the moving
20 party fails to prosecute with reasonable diligence as determined by the tribunal. If a person
21 against whom a claim, counterclaim, or cross claim is filed fails to appear or proceed with a
22 defense against that claim without good cause shown, the tribunal shall decide the claim,
23 counterclaim, or cross claim on the basis of the evidence before it. No award shall issue based

1 solely upon the default of a party, and the failure of any party to appear, proceed, or defend shall
2 not in itself be treated as an admission.

3 ~~History.—s. 1, ch. 86-266.~~

4
5 **684.14 Representation by counsel.**—A party to an arbitration shall have the right to be
6 represented by counsel in any arbitral proceeding. A waiver of that right prior to any proceeding
7 is ineffective.

8 ~~History.—s. 1, ch. 86-266.~~

9
10 **684.15 Evidence; witnesses; subpoenas; depositions.**—

11 (1) The arbitral tribunal shall determine the relevance and materiality of the evidence and need
12 not follow formal rules of evidence. The tribunal may take into account its own experience and
13 any customs, usages of trade, or other facts and circumstances which it deems relevant. The
14 tribunal may utilize any lawful method it deems appropriate to obtain evidence additional to that
15 produced by the parties, and the parties shall comply with any request of the tribunal for
16 additional evidence.

17 (2) The arbitral tribunal may issue subpoenas or other demands for the attendance of witnesses
18 or for the production of books, records, documents, and other evidence, may administer oaths,
19 may order depositions to be taken or other discovery obtained, without regard to the place where
20 the witness or other evidence is located, and may appoint one or more experts to report to it.

21 (3) The arbitral tribunal may fix such fees for the attendance of witnesses as it deems
22 appropriate.

23 (4) In exercising the powers conferred upon it by this section, the arbitral tribunal may apply for
24 assistance from any court, tribunal, or governmental authority in any jurisdiction.

1 ~~History.—s. 1, ch. 86-266.~~

2
3 ~~684.16 Interim relief.—~~

4 ~~(1) Upon application by a party and after all other parties have been notified and given an~~
5 ~~opportunity to comment, unless notice proves impossible after efforts reasonably designed to~~
6 ~~give actual notice, the arbitral tribunal may grant such interim relief as it considers appropriate~~
7 ~~and, in so doing, may require the applicant to post bond or give other security. The power herein~~
8 ~~conferred upon the tribunal is without prejudice to the right of a party under applicable law to~~
9 ~~request interim relief directly from any court, tribunal, or other governmental authority, within or~~
10 ~~without this state, and to do so without prior authorization of the arbitral tribunal. Unless~~
11 ~~otherwise provided in the written undertaking to arbitrate, such a request shall not be deemed~~
12 ~~incompatible with, nor a waiver of, that undertaking.~~

13 ~~(2) In lieu of an order granting interim relief, or in aid of any order granted, the arbitral tribunal~~
14 ~~may itself apply or may authorize a party to apply to any court, tribunal, or other governmental~~
15 ~~authority within or without this state for such assistance in securing the objectives intended by~~
16 ~~the order or request for interim relief as the arbitral tribunal determines appropriate.~~

17 ~~(3) If the arbitral tribunal determines that participation by one or more parties in its review of an~~
18 ~~application for interim relief might jeopardize the effectiveness of the relief requested, it shall,~~
19 ~~notwithstanding the requirements of subsection (1), make its decision without notice to, and in~~
20 ~~the absence of, such parties and shall also, without notice to such parties, take any action~~
21 ~~authorized by subsection (2); provided that immediately following the issuance of an order for~~
22 ~~interim relief by the arbitral tribunal or by a court, tribunal, or other governmental authority,~~
23 ~~whichever is the last to occur, the arbitral tribunal shall extend to all parties not notified of the~~

1 application for interim relief adequate opportunity to seek termination or modification of any
2 relief granted.

3 ~~(4) The arbitral tribunal may at any time modify or terminate any interim relief granted by it.~~

4 ~~History.— s. 1, ch. 86-266.~~

5

6 ~~**684.17 Applicable law.** The arbitral tribunal shall decide the merits of the dispute before it
7 according to the law or other decisional principles provided for in the written undertaking to
8 arbitrate, including acting ex aequo et bono or as amiables compositeurs. In the absence of such
9 stipulation, the tribunal shall decide the merits of the dispute according to the law, including
10 equitable principles, which it determines should control. In making that determination, the
11 tribunal shall be free to employ the conflict of laws principles which it deems most appropriate to
12 the circumstances of the arbitration.~~

13 ~~History.— s. 1, ch. 86-266.~~

14

15 ~~**684.18 Interest.** The arbitral tribunal may award interest as agreed to in writing by the parties
16 or, in the absence of such agreement, as the tribunal deems appropriate.~~

17 ~~History.— s. 1, ch. 86-266.~~

18

19 ~~**684.19 Awards.**—~~

20 ~~(1) The arbitral tribunal shall issue its final award within such time as is specified by the parties
21 in writing or, in the absence of such specification, within such time as the tribunal determines
22 appropriate. In addition to a final award, a tribunal may issue interim, interlocutory, or partial
23 awards. Each award shall be in writing, shall state the date and place of issuance, and shall be
24 signed prior to issuance by each member of the tribunal unless, in the case of a tribunal~~

1 consisting of more than one member, the award is signed by a majority of the members and an
2 explanation for each missing signature is given. Members' signatures need not be affixed at the
3 place of arbitration.

4 ~~(2) The arbitral tribunal shall deliver, either personally or by registered or certified mail, a
5 signed counterpart of the award to each party to the arbitration, unless such delivery proves
6 impossible after efforts reasonably designed to assure actual delivery.~~

7 ~~(3) A written statement of the reasons for an award shall be issued only if all parties agree to the
8 issuance thereof or the tribunal determines that a failure to do so could prejudice recognition or
9 enforcement of the award. An award may be made public by the tribunal or by a party only if:~~

10 ~~(a) All parties to the arbitration consent thereto in writing;~~

11 ~~(b) Disclosure is required by law; or~~

12 ~~(c) Disclosure is necessary in connection with any judicial or other official proceeding
13 concerning the award.~~

14 ~~(4) The arbitral tribunal may award reasonable fees and expenses actually incurred, including,
15 without limitation, fees and expenses of legal counsel, to any party to the arbitration and shall
16 allocate the costs of the arbitration among the parties as it determines appropriate.~~

17 ~~History.~~ s. 1, ch. 86-266; s. 1, ch. 94-72.

18

19 **684.20 Change of award.** ~~Upon application by a party filed within 30 days of the issuance of
20 an award, the arbitral tribunal may vacate, clarify, correct, or amend an award. A copy of the
21 application shall be delivered to all parties to the arbitration personally or by registered or
22 certified mail, unless such delivery proves impossible after efforts reasonably designed to assure
23 actual delivery. Thereafter, the parties shall be given adequate opportunity to respond in writing.~~

1 ~~In reaching its decision, the tribunal may hold further hearings, take additional evidence, and~~
2 ~~accept written submissions from the parties.~~

3 ~~History.~~ s. 1, ch. 86-266.

4

5

PART III

6

COURT PROCEEDINGS IN CONNECTION

7

WITH ARBITRATION

8

9 684.21 ~~Scope of this part.~~

10 684.22 ~~Court proceedings to compel arbitration and to stay certain court proceedings.~~

11 684.23 ~~Court proceedings during arbitration.~~

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23 684.35 ~~Immunity for arbitrators.~~

24

1 ~~**684.21 Scope of this part.** This part shall apply to any arbitration within the scope of this~~
2 ~~chapter, whether or not the arbitration is subject to the provisions of part II of this chapter.~~

3 ~~**History.**—s. 1, ch. 86-266.~~

4
5 ~~**684.22 Court proceedings to compel arbitration and to stay certain court proceedings.—**~~

6 ~~(1) A person may apply to a circuit court of this state for an order compelling arbitration if that~~
7 ~~person claims that another party to a dispute has entered into a written undertaking to arbitrate~~
8 ~~that dispute and after notice has refused or otherwise failed to arbitrate in accordance with the~~
9 ~~undertaking. If the court, sitting without a jury, finds that the party refusing or otherwise failing~~
10 ~~to arbitrate has, in fact, given the undertaking claimed, the order compelling arbitration shall~~
11 ~~issue without regard to whether the place of arbitration is within or without this state or the~~
12 ~~arbitration is subject to part II of this chapter, unless the court finds:~~

13 ~~(a) That there was fraud in the inducement of the written undertaking to arbitrate;~~

14 ~~(b) That submission of the dispute to arbitration would be contrary to the public policy of this~~
15 ~~state or of the United States; or~~

16 ~~(c) That an arbitral tribunal impaneled in accordance with the written undertaking to arbitrate~~
17 ~~has previously determined that the dispute is not arbitrable or that the undertaking is invalid or~~
18 ~~unenforceable.~~

19 ~~All other questions, including whether the dispute is arbitrable or whether the written~~
20 ~~undertaking to arbitrate is subject to defenses or is otherwise invalid or unenforceable, shall be~~
21 ~~for the arbitral tribunal to decide. If any part of a dispute which cannot be submitted to~~
22 ~~arbitration for the reasons stated in paragraphs (a)–(c) is severable from the remainder of the~~
23 ~~dispute, the court may order arbitration to proceed with regard to the remainder.~~

1 ~~(2) Upon timely application by a party, an action or proceeding in a court of this state involving~~
2 ~~a dispute that is subject to arbitration shall be stayed by the court if an order compelling~~
3 ~~arbitration of the dispute could issue under subsection (1). Upon application by a party, the stay~~
4 ~~may be accompanied by an order compelling arbitration. This subsection shall not apply to any~~
5 ~~court proceeding pursuant to s. 684.23 or s. 684.24.~~

6 ~~(3) Upon timely application by a party, a circuit court of this state may enjoin another party~~
7 ~~from proceeding with an action before any court within or without this state involving a dispute~~
8 ~~that is subject to arbitration if an order compelling arbitration of the dispute could issue under~~
9 ~~subsection (1). The injunction may, upon application by a party, be accompanied by an order~~
10 ~~compelling arbitration. This subsection shall not apply to any court proceeding pursuant to s.~~
11 ~~684.23 or s. 684.24.~~

12 ~~(4) Upon timely application by a party, a circuit court of this state may stay the arbitration of a~~
13 ~~dispute if an order compelling arbitration could not issue under subsection (1). Such stay shall~~
14 ~~issue whether the place of arbitration is within or without this state.~~

15 ~~**History.**—s. 1, ch. 86-266.~~

16
17 ~~**684.23 Court proceedings during arbitration.**—~~

18 ~~(1) Upon application by a party to a written undertaking to arbitrate, a circuit court of this state~~
19 ~~may appoint an arbitral tribunal or any member thereof or successor thereto, if the parties have~~
20 ~~failed to agree upon a method of appointment or if the method agreed upon fails or cannot be~~
21 ~~followed and, in either case, the parties have not otherwise agreed upon a named arbitrator or~~
22 ~~arbitrators. Any arbitrator so appointed shall exercise all powers and functions provided for in~~
23 ~~the written undertaking to arbitrate.~~

1 ~~(2) Upon application by an arbitral tribunal or by a party authorized by the tribunal, a circuit~~
2 ~~court of this state:~~

3 ~~(a) Shall enforce any subpoena, demand, or order of the tribunal for:~~

4 ~~1. The attendance of witnesses,~~
5 ~~2. The production of books, records, documents, or other evidence,~~
6 ~~3. The taking of depositions, or~~
7 ~~4. The obtaining of other discovery,~~

8 ~~in the manner provided by law for the enforcement of subpoenas, demands, or other such orders~~
9 ~~in civil actions; and~~

10 ~~(b) Shall, to the extent of its powers, render such other assistance as the movant may request,~~
11 ~~including issuance of letters rogatory or other requests for foreign judicial assistance.~~

12 ~~(3) Upon application by an arbitral tribunal or by a party authorized by a tribunal to make the~~
13 ~~application, a circuit court of this state may grant any interim relief, including, without~~
14 ~~limitation, temporary restraining orders, preliminary injunctions, attachments, garnishments, or~~
15 ~~writs of replevin, which it is empowered by law to grant. All actions under this subsection shall~~
16 ~~be subject to such procedural requirements and other conditions as would apply in a comparable~~
17 ~~action not pertaining to an arbitration.~~

18 ~~(4) The provisions of subsection (3) are without prejudice to the right of a party to an arbitration~~
19 ~~to seek interim relief directly from any court of competent jurisdiction, provided that no such~~
20 ~~relief shall be granted by the courts of this state unless the moving party shows that an~~
21 ~~application to the arbitral tribunal for that relief would prejudice the party's rights and that~~
22 ~~interim relief from the court is necessary to protect those rights. The tribunal shall be deemed a~~
23 ~~party in interest in any such action. Any court of this state that issues an order for interim relief~~

1 as provided in this subsection shall, upon application by the tribunal, modify or terminate its
2 order as appropriate.

3 ~~(5) Upon application by a party showing that the arbitral tribunal has unduly delayed issuance of
4 its final award, a circuit court of this state may fix a time within which a final award must issue,
5 but only if the place of arbitration is within this state or the arbitration is subject to part II of this
6 chapter. The tribunal shall be deemed a party in interest in any such action.~~

7 ~~(6) The powers conferred upon the courts by this section may be exercised without regard to
8 whether the place of arbitration is within or without this state, unless otherwise expressly
9 provided.~~

10 ~~History.—s. 1, ch. 86-266.~~

11

12 ~~**684.24 Court proceedings upon final awards.—**~~

13 ~~(1) Any party to an arbitration within the scope of this chapter may apply to a circuit court of
14 this state for an order to confirm or vacate any final award or to declare that the award is not
15 entitled to confirmation by the courts of this state. The court shall dispose of all such applications
16 as provided in paragraphs (a)–(c) without regard to the law of the place of arbitration, the law
17 governing the award, or whether a court of law or equity would apply the law or decisional
18 principles applied by the arbitral tribunal or would grant the relief provided for in the award.~~

19 ~~(a) The court shall confirm the award without regard to the place of arbitration unless one or
20 more of the grounds set forth in s. 684.25 is established by way of an affirmative defense. If such
21 a defense is established and the conditions set forth in paragraph (b) are met, the court, upon
22 application, shall vacate the award without regard to any time limit contained in paragraph~~

23 ~~(3)(b); otherwise, it shall issue an order declaring that the award is not entitled to confirmation
24 by the courts of this state.~~

1 ~~(b) The court shall grant an application to vacate the award if:~~

2 ~~1. The applicant establishes one or more of the grounds set forth in s. 684.25; and~~

3 ~~2. Either the place of arbitration was in this state or the arbitration was subject to part II of this~~
4 ~~chapter.~~

5 ~~If the applicant fails to establish one or more of the grounds set forth in s. 684.25, the court, upon~~
6 ~~application by any party, shall enter an order confirming the award.~~

7 ~~(c) The court shall declare that the award is not entitled to confirmation by the courts of this~~
8 ~~state if the applicant establishes one or more of the grounds set forth in s. 684.25, but the place of~~
9 ~~arbitration was outside this state and the arbitration was not subject to part II of this chapter.~~

10 ~~(2) In any action under subsection (1), the judgment of a court in a foreign country determining~~
11 ~~whether one or more of the grounds set forth in s. 684.25 is established shall be accorded the~~
12 ~~effect normally given the judgment of a court in a foreign country by the courts of this state.~~

13 ~~(3) The applications referred to in subsection (1) shall be brought within the following time~~
14 ~~limits:~~

15 ~~(a) An application to confirm an award shall be brought within the time provided in s. 95.051(1)~~
16 ~~for the enforcement of judgments.~~

17 ~~(b) An application to vacate an award or for a declaration that the award is not entitled to~~
18 ~~confirmation by the courts of this state shall be brought within 90 days of receipt of the final~~
19 ~~award by the applicant or, in the case of an application based on s. 684.25(1)(d) or (e), within 90~~
20 ~~days of the date when the circumstances giving rise to the application were discovered or, with~~
21 ~~the exercise of due diligence, should have been discovered by the applicant.~~

22 ~~(c) If any party to an arbitration shall die or become incompetent, a court may extend the~~
23 ~~foregoing time limits.~~

1 ~~(4) In considering an application filed under subsection (1), a court may request the arbitral~~
2 ~~tribunal to clarify its award and may modify or correct the award for any evident miscalculation~~
3 ~~or mistake in the description of any person or property or for any imperfection of form not~~
4 ~~affecting the merits.~~

5 ~~(5) A judgment or decree of a court of this state confirming an award may, upon application, be~~
6 ~~vacated at any time on the grounds set forth in s. 684.25 (1)(d) and (e), provided the application~~
7 ~~is made within 90 days of the date when the circumstances giving rise to the application were~~
8 ~~first discovered or, with the exercise of due diligence, should have been discovered by the~~
9 ~~applicant.~~

10 ~~(6) If a final award has been reduced to judgment or made the subject of official action by any~~
11 ~~court, tribunal, or other governmental authority outside the United States, the courts of this state~~
12 ~~shall, except as provided in subsection (2), confirm, vacate, or declare the award not entitled to~~
13 ~~confirmation by the courts of this state without regard to any term or condition of the foreign~~
14 ~~judgment or official action and without regard to whether the award may be deemed merged into~~
15 ~~the judgment.~~

16 ~~(7) For purposes of this section and of s. 684.25, an arbitral award shall be deemed a final award~~
17 ~~unless:~~

18 ~~(a) It is expressly designated an interim or interlocutory award or by its terms is not final;~~

19 ~~(b) An application to vacate, clarify, correct, or amend the award is pending before the arbitral~~
20 ~~tribunal; or~~

21 ~~(c) Under the rules applicable to the arbitration, it is subject to further review by any arbitral~~
22 ~~authority.~~

23 ~~For purposes of the law of this state, an award which is final as described above shall be deemed~~

1 final regardless of whether judicial confirmation or other official action is necessary to render
2 that award final within the contemplation of any foreign law which may be applicable to the
3 arbitration.

4 **History.**— s. 1, ch. 86-266; s. 2, ch. 90-105.

5

6 **684.25 Grounds for vacating an award or declaring it not entitled to confirmation.—**

7 (1) A final award shall be vacated or declared not entitled to confirmation by the courts of this
8 state only if one or more of the following grounds is established:

9 (a) There was no written undertaking to arbitrate, there was fraud in the inducement of that
10 undertaking, or an arbitral tribunal impaneled in accordance with the undertaking had previously
11 determined that the dispute was nonarbitrable or that the undertaking was invalid or
12 unenforceable, unless the party challenging the award participated on the merits in the arbitral
13 proceedings leading to the award without first having submitted such questions to the arbitral
14 tribunal;

15 (b) The party challenging the award was not given notice of the appointment of the arbitral
16 tribunal or of the arbitral proceedings, unless notice proved impossible after efforts reasonably
17 designed to give actual notice or such party waived notice or participated in those proceedings on
18 the merits of the dispute;

19 (c) The arbitral tribunal conducted its proceedings so unfairly as to substantially prejudice the
20 rights of the party challenging the award;

21 (d) The award was obtained by corruption, fraud, or undue influence or is contrary to the public
22 policy of the United States or of this state;

1 ~~(e) Any neutral arbitrator had a material conflict of interest with the party challenging the award,~~
2 ~~unless that party had timely notice of the conflict and proceeded without objection to arbitrate~~
3 ~~the dispute;~~

4 ~~(f) The award resolves a dispute which the parties did not agree to refer to the arbitral tribunal,~~
5 ~~unless the party objecting shall have arbitrated the dispute without objection, and the tribunal's~~
6 ~~decision that such dispute was referred to it for arbitration was clearly erroneous, provided that a~~
7 ~~court may determine instead to vacate or to declare not entitled to confirmation only that portion~~
8 ~~of the award dealing with the excluded dispute; or~~

9 ~~(g) The arbitral tribunal was not constituted in accordance with the agreement of the parties,~~
10 ~~unless the party challenging the award waived the irregularity or participated in the arbitral~~
11 ~~proceedings without first objecting thereto.~~

12 ~~(2) The courts of this state shall not make an independent factual determination concerning~~
13 ~~whether the grounds described in paragraph (1)(c), paragraph (1)(f), or paragraph (1)(g) are~~
14 ~~present if the arbitration leading to the award was conducted under the rules of, or was subject to~~
15 ~~supervision by, an arbitral authority and such grounds were submitted to such authority as a basis~~
16 ~~for challenging the validity of the award or the conduct of the arbitration. In such a case, the~~
17 ~~determination of the arbitral authority concerning such grounds shall be final. In addition, if~~
18 ~~under the rules applicable to an arbitration the grounds described in paragraph (1)(c), paragraph~~
19 ~~(1)(f), or paragraph (1)(g) could have been but were not submitted to an arbitral authority as a~~
20 ~~basis for challenging the validity of the award or the conduct of the arbitration, the courts of this~~
21 ~~state shall not declare an award not entitled to confirmation or vacate that award or deny it~~
22 ~~confirmation on such grounds.~~

1 ~~(3) A court issuing an order to vacate an award or to declare that an award is not entitled to~~
2 ~~confirmation by the courts of this state may also order that all or part of the dispute between the~~
3 ~~parties be resubmitted to the same or a new arbitral tribunal as it deems appropriate.~~

4 ~~**History.**— s. 1, ch. 86-266.~~

5
6 ~~**684.26 Award in a foreign currency.**— The courts of this state shall confirm a final award,~~
7 ~~notwithstanding the fact that it grants relief in a currency other than United States dollars. In~~
8 ~~such case, the court shall, in addition to entering the order in the foreign currency designated by~~
9 ~~the award, upon application by a party also enter that order in United States dollars determined~~
10 ~~by reference to the market rate of exchange prevailing in this state on the date the award was~~
11 ~~issued, unless the award itself fixes some other date. If no such market rate of exchange is~~
12 ~~available, the court shall fix the rate it deems appropriate. Judgment or decree may be entered~~
13 ~~upon such an order as provided in s. 684.27.~~

14 ~~**History.**— s. 1, ch. 86-266.~~

15
16 ~~**684.27 Judgment or decree on a final award.**— Once an order confirming or vacating an award~~
17 ~~or declaring that an award is not entitled to confirmation by the courts of this state has been~~
18 ~~rendered, a judgment or decree shall be entered in conformity with that order to be enforced like~~
19 ~~any other judgment or decree. Upon entry of a judgment or decree, the court may also, in its~~
20 ~~discretion, award costs and disbursements.~~

21 ~~**History.**— s. 1, ch. 86-266.~~

22
23 ~~**684.28 Judgment roll; docketing.**—~~

1 ~~(1) Upon entry of a judgment or decree, the clerk shall prepare the judgment roll consisting, to~~
2 ~~the extent filed, of the following:~~

3 ~~(a) The final award;~~

4 ~~(b) A copy of the order; and~~

5 ~~(c) A copy of the judgment or decree.~~

6 ~~(2) The judgment or decree may be docketed as if rendered in a civil action.~~

7 ~~History.— s. 1, ch. 86-266.~~

8

9 ~~**684.29 Application to circuit court; form and process.**—An application to a circuit court of~~
10 ~~this state pursuant to this chapter shall be by motion and shall be heard in the manner provided~~
11 ~~by law or rule of the court for the making and hearing of motions. Process in connection with~~
12 ~~such an application shall be served as provided in s. 48.196.~~

13 ~~History.— s. 1, ch. 86-266.~~

14

15 ~~**684.30 Consent to jurisdiction.**—The conduct of an arbitration within this state, or the making~~
16 ~~of a written undertaking to arbitrate which provides for arbitration within this state or subject to~~
17 ~~part II of this chapter, shall constitute a consent to the exercise of in personam jurisdiction by the~~
18 ~~courts of this state in any action authorized by this part.~~

19 ~~History.— s. 1, ch. 86-266.~~

20

21 ~~**684.31 Venue.**—An application under this chapter shall be made to the circuit court for the~~
22 ~~county in which any party to the arbitration resides or has a place of business or in which the~~
23 ~~place of arbitration is located. If no such party resides or has a place of business within this state~~
24 ~~and if the place of arbitration is outside this state, then the application may be made to any circuit~~

1 court of this state. All applications made subsequent to an initial application under this chapter
2 shall be made to the court hearing the initial application, unless it shall order otherwise.

3 ~~History.—s. 1, ch. 86-266.~~

4
5 ~~**684.32 Appeals.—**~~

6 (1) ~~An appeal may be taken from any of the following:~~

7 (a) ~~An order under s. 684.22 granting or denying an application to compel or to stay arbitration~~
8 ~~or to stay judicial proceedings.~~

9 (b) ~~An order granting or denying an application under s. 684.23(2) for assistance in obtaining~~
10 ~~evidence or an application under s. 684.23(3) for interim relief.~~

11 (c) ~~An order under s. 684.24 confirming or vacating a final award or declaring that an award is~~
12 ~~not entitled to confirmation by the courts of this state.~~

13 (d) ~~A judgment or decree entered pursuant to s. 684.27.~~

14 (2) ~~Appeals shall be taken in the same manner and be subject to the same scope of review as~~
15 ~~appeals from orders or judgments in civil actions. All appeals shall be confined to questions~~
16 ~~within the competence conferred by this chapter upon the court from which the appeal is taken or~~
17 ~~to the question of whether such court exceeded that competence.~~

18 ~~History.—s. 1, ch. 86-266.~~

19
20 ~~**684.33 Transitional rule.** This chapter shall apply to all written undertakings to arbitrate~~
21 ~~within the scope of this chapter, whether entered into before or after October 1, 1986; however,~~
22 ~~this part shall not apply to any judicial proceeding commenced prior to that date, and part II of~~
23 ~~this chapter shall not apply to any arbitration commenced prior to that date unless the parties~~
24 ~~agree to the contrary in writing.~~

1 ~~History.—s. 1, ch. 86-266.~~

2

3 ~~**684.34 Severability and characterization.—**~~

4 ~~(1) If any provision of this chapter or its application to any particular person or circumstance is~~
5 ~~held invalid, that provision or its application shall be deemed severable and shall not affect the~~
6 ~~validity of other provisions or applications of this chapter.~~

7 ~~(2) If in any arbitral, judicial, or other official proceeding within or without this state it shall~~
8 ~~become necessary to classify any provision of this chapter as substantive or procedural within the~~
9 ~~meaning of those terms in the conflict of laws, all provisions of this chapter relating to the~~
10 ~~obligation of the parties to arbitrate, to the conduct of the arbitral proceedings, and to the validity~~
11 ~~of arbitral awards shall be classified as substantive.~~

12 ~~History.—s. 1, ch. 86-266.~~

13

14 ~~**684.35 Immunity for arbitrators.—**No person may sue in the courts of this state or assert a~~
15 ~~cause of action under the law of this state against any arbitrator when such suit or action arises~~
16 ~~from the performance of such arbitrator's duties.~~

17 ~~History.—s. 1, ch. 86-266~~

18

19