

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2005*

**LOEWENSTEIN, INC.,**  
Appellant,

v.

**JOHN DRAHEIM**, as agent and principal of the Bierman/Draheim  
Partnership,  
Appellee.

No. 4D05-1992

[November 30, 2005]

PER CURIAM.

The circuit court vacated an arbitration award because the arbitrator “exceeded the powers granted to him.” Appellant, Loewenstein, Inc., filed a motion seeking to compel another arbitration. The court denied the motion. Loewenstein appeals. This court has jurisdiction. See Fla. R. App. P. 9.130(a)(3)(C)(iv). We reverse.

This is a case where the parties contractually agreed to arbitrate. *Cf. Ruffin v. Kingswood E. Condo. Ass’n, Inc.*, 719 So. 2d 951, 953 n.2 (Fla. 4th DCA 1998). It is error for a circuit court to enter an order vacating an arbitration award without directing a rehearing by the arbitration panel. See *Ripple v. Packard*, 471 So. 2d 1293 (Fla. 3d DCA 1985); *Fridman v. Citicorp Real Estate, Inc.*, 596 So. 2d 1128, 1129 (Fla. 2d DCA 1992), *overruled on other grounds by Turnberry Assocs. v. Service Station Aid, Inc.*, 651 So. 2d 1173 (Fla. 1995); see also § 682.13(3), 682.20(e), Fla. Stat. (2005).

Reversed and remanded for further proceedings consistent with this opinion.

GUNTHER, GROSS and HAZOURI, JJ., concur.

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Appeal of a non-final order from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Leroy H. Moe, Judge; L.T. Case No. 03-13603(13).

Scott A. Forman, and Patrick F. Martin of Littler Mendelson, P.C., Miami, for appellant.

John N. Cain, Jr., and Kevin J. Fitzsimmons of Mandelbaum, Fitzsimmons & Hewitt, P.A., Tampa, for appellee.

***Not final until disposition of timely filed motion for rehearing.***