



625720

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Governmental Oversight and Accountability
(Bogdanoff) recommended the following:

Senate Amendment

Delete lines 472 - 500
and insert:

Section 12. Section 682.04, Florida Statutes, is amended to
read

682.04 Appointment of arbitrators by court.—

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



625720

13 (b) As applied to a consumer arbitration agreement, the
14 parties shall select the arbitrator or arbitrators after the
15 arbitration has been initiated. If the parties cannot agree on
16 the selection of the arbitrators, the court shall appoint one or
17 more arbitrators deemed by both parties to be acceptable.

18 (c) As used in this section, the term "consumer arbitration
19 agreement" means a standardized contract written by the
20 nonconsumer party containing a provision requiring that disputes
21 between the parties arising after the contract is signed be
22 submitted to binding arbitration.

23 (2) A person may not serve as an arbitrator if:

24 (a) The person has, at the time of arbitration or at some
25 time in the past, a direct and material interest in the outcome
26 of the arbitration proceeding, an existing relationship with a
27 party, or any other interest more than a de minimis interest
28 which could be affected by the proceeding.

29 (b) The arbitration service through which the person has
30 been contracted has an interest, direct or indirect, including a
31 financial interest in the outcome of the arbitration.

32 (3) The court, upon an application by a party to the
33 arbitration agreement, shall appoint one or more arbitrators,
34 if:

35 (a) The parties have not agreed on a method for appointing
36 arbitrators;

37 (b) The agreed method of appointment fails;

38 (c) One or more of the parties fails to respond to the
39 demand for arbitration; or

40 (d) An arbitrator fails to act and a successor has not been
41 appointed. ~~In the absence thereof, or if the agreed method fails~~



625720

42 ~~or for any reason cannot be followed, or if an arbitrator or~~
43 ~~umpire who has been appointed fails to act and his or her~~
44 ~~successor has not been duly appointed, the court, on application~~
45 ~~of a party to such agreement or provision shall appoint one or~~
46 ~~more arbitrators or an umpire.~~

47 (4) An arbitrator or umpire so appointed has all the shall
48 have like powers of an arbitrator designated as if named or
49 provided for in the agreement to arbitrate and appointed
50 pursuant to the agreed method or provision.