THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 3.04

COURT-ORDERED NONBINDING ARBITRATION PROGRAM

WHEREAS, section 44.103, Florida Statutes, permits a presiding circuit judge or county court judge to refer contested civil cases to nonbinding arbitration without the consent of the parties, in much the same way as cases are referred to mediation; and

WHEREAS, Rule 1.810(a), Florida Rules of Civil Procedure, requires the chief judge, or a designee, to maintain a list of qualified persons who have agreed to serve within each circuit as arbitrators pursuant to section 44.103, Florida Statutes; and

WHEREAS, Rules 11.010 and 11.020, Florida Rules for Court-Appointed Arbitrators, require, with certain exceptions, that arbitrators be members of The Florida Bar and that they complete a training program approved by the Supreme Court of Florida; and

WHEREAS, Rule 1.820(b)(1), Florida Rules of Civil Procedure, requires the chief judge to set procedures for determining the time and place of the nonbinding arbitration; and

WHEREAS, Rule 1.810(b), Florida Rules of Civil Procedure, requires the chief judge to establish the compensation for arbitrators in accordance with section 44.103(3), Florida Statutes; now

THEREFORE, pursuant to the authority vested in the chief judge by Rule 2.215, Florida Rules of Judicial Administration, it is hereby

ORDERED that:

1. Pursuant to section 44.103, Florida Statutes, and Rules 1.700(a), 1.800, and 1.820(b)(1), Florida Rules of Civil Procedure, there is established in the Eighth Judicial Circuit these procedures to facilitate the use of nonbinding arbitration in contested civil actions filed in the circuit court and the county courts, except as prohibited by law. At the discretion of the

presiding judge, any such civil action, or any part thereof, may be referred to nonbinding arbitration, except for those matters excluded from nonbinding arbitration under Rule 1.800, Florida Rules of Civil Procedure.

2. The court administrator for the Eighth Judicial Circuit, through the alternative dispute resolution (ADR) programs director, shall create and maintain a list of persons who are qualified to serve as arbitrators in matters referred to nonbinding arbitration pursuant to section 44.103, Florida Statutes. To be listed as an arbitrator, one must be a member of The Florida Bar for at least five (5) years and must satisfy the qualification and training requirements set forth in Rules 11.010, 11.020, and 11.110, Florida Rules for Court-Appointed Arbitrators. Attorneys who wish to be listed as arbitrators should contact the ADR programs director to obtain an application. Completed applications shall be delivered to the chief judge of the Eighth Judicial Circuit. The list of qualified arbitrators shall be designated as the Eighth Judicial Circuit List of Qualified Arbitrators, and shall be provided to all judges in the Eighth Judicial Circuit.

3. Unless otherwise directed by the presiding judge, when a case is referred to nonbinding arbitration the parties shall have fifteen (15) days within which to agree on the number and selection of their own arbitrator(s); otherwise, the presiding judge shall determine the number of arbitrators and select them from the Eighth Judicial Circuit List of Qualified Arbitrators.

4. Nonbinding arbitration shall be conducted in accordance with the rules of practice and procedure adopted by the Supreme Court of Florida, as well as with all orders and directives of the presiding judge and the provisions of this administrative order. The time, place, and duration of the arbitration hearing shall be set by the arbitrator or chief arbitrator after consulting with the parties and their attorneys, and reasonable notice thereof shall be given to the parties by the arbitrator or chief arbitrator in a Notice of Nonbinding Arbitration Hearing, which shall be filed in the court file and served on all parties.

5. The nonbinding arbitration hearing shall be conducted informally. Presentation of testimony shall be kept to a minimum, and other matters shall be presented primarily through the statements and arguments of counsel. The arbitrator or chief arbitrator shall determine the hearing procedures in advance of the hearing, including what live testimony, if any, will be permitted and the nature, scope, and duration thereof, all of which shall be set forth in the Notice of Nonbinding Arbitration Hearing. An order substantially similar to the attached Order Referring Case to Nonbinding Arbitration shall be used by the presiding judge in all cases referred to nonbinding arbitration under section 44.103, Florida Statutes. At the discretion of the presiding judge, other provisions may be added.

6. Arbitrators conducting court-ordered nonbinding arbitration in the Eighth Judicial Circuit shall be compensated in an amount not to exceed One Thousand Five Hundred Dollars ($1,500.00) per day each, unless otherwise agreed by the parties. If the parties agree to exceed the One Thousand Five Hundred Dollars ($1,500.00) per arbitrator per day limit, approval by the court is presumed and a hearing for approval is not required. Arbitration fees shall be equally divided between the parties unless otherwise agreed by the parties or ordered by the court.

7. Rule 1.820(g)(3), Florida Rules of Civil Procedure, requires the arbitrator or chief arbitrator to notify the parties in writing of the nonbinding arbitration decision within ten (10) days of the final adjournment of the arbitration hearing. At the same time that the parties are notified of the decision, the arbitrator or chief arbitrator shall file a paper copy of the arbitration decision with the clerk of court, together with a Notice of Filing and Serving Nonbinding Arbitration Decision. The clerk of court is authorized to accept a paper copy of the arbitration decision for filing. The clerk is further directed not to scan the decision at the time of filing, and only to do so upon further direction from the court. The Notice of Filing and Serving Nonbinding Arbitration Decision, which notifies the parties of the date on which the decision is sealed and filed and indicates the date and manner of service of the nonbinding arbitration decision on the parties, shall be scanned by the clerk in the normal course.

8. This order supersedes Administrative Order No. 3.04(v1), titled Court-Ordered NonBinding Arbitration Program, dated October 5, 2012, *nunc pro tunc* to July 7, 2008.

ORDERED ON this 1st day of February, 2021.

Mark W. Moseley, Chief Judge

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR _____ COUNTY

_____ CASE NO.:

Plaintiff,

DIVISION:

v.

_____

Defendant.
_____/

ORDER OF REFERRAL TO NON-BINDING ARBITRATION

The Court has reviewed the above referenced case and has determined that it is appropriate for non-binding arbitration. Therefore, the Court, on its own motion, orders non-binding arbitration in this case. Accordingly, it is ADJUDGED:

1. All hearing procedures for this Non-Binding Arbitration are governed by Florida Rules of Civil

Procedure 1.700; 1.800; 1.810; 1.820; Section 44.103, Florida Statutes; and Eighth Circuit Administrative Order 3.04.

2. Within fifteen days from rendition of this order, the parties shall attempt to agree upon the size of the arbitration panel (one arbitrator or a panel of three) and shall attempt to select an arbitrator/panel from the circuit's list of arbitrators, found at https://circuit8.org/departments-services/arbitration-in-circuit-and-county-civil-cases/.

3. If the parties agree to the number of arbitrator(s) and the name(s) of those who will serve on the panel, the plaintiff(s) and defendant(s) shall file a "Joint Notice of Stipulation of Arbitrator(s)" with the clerk of the court. The "Joint Notice of Stipulation of Arbitrator(s)" shall identify the name, address, and telephone number for each arbitrator. Plaintiff's counsel shall email the judicial assistant a courtesy copy of this filing, on the day of filing.

4. In the event the parties are unable to agree upon the designation of one or more qualified arbitrators, then the Plaintiff's counsel shall notify the Court, via email to the judicial assistant (with a copy to the opposing side), so that the Court may appoint an arbitrator to serve as the single non-binding arbitrator in this matter.

5. The Arbitrator shall conduct the arbitration in the county where the lawsuit is pending, unless the arbitrator and parties all agree to another location.

6. The parties shall schedule arbitration within fifteen (15) days of the filing of the Joint Notice of Stipulation of Arbitrator or entry of the Order Appointing Arbitrator and shall conduct the

arbitration hearing in accordance with the above cited authorities and all applicable rules of practice and procedure promulgated by the Florida Supreme Court. The last day of arbitration shall occur no later than _____. (at least 60 days prior to PTC).

7. The scope of this referral includes all unresolved issues, not prohibited by rule or statute, between the parties in this case, including attorney's fees and costs.

8. The arbitrator shall file and serve a Notice of Non-Binding Arbitration Hearing in accordance with the requirements of Administrative Order 3.04.

9. The Arbitration shall be conducted informally. The Parties shall endeavor to set forth their case without live witnesses. The Parties shall not require foundation/live witnesses to introduce evidence.

10. Arbitration shall be completed within thirty (30) days of the first arbitration hearing unless extended by court order upon motion of the arbitrator or a party.

11. Within 10 days of the final adjournment of the hearing, the arbitrator shall notify the parties in writing of the non-binding arbitration decision. At the same time the parties are notified of the decision, the arbitrator shall file a Notice of Filing and Serving Arbitration Decision, which notifies the parties of the date on which the decision is filed and indicates the date and manner of service of the decision on the parties. The arbitrator shall also file a paper copy of the arbitration decision with the clerk of court, who shall hold it under seal.

12. The expense of the arbitrator shall be divided proportionally between the parties, unless otherwise agreed to by the parties and approved by the court. The arbitrator may be paid up to $1500 per day, unless otherwise agreed to by the parties.

13. All non-binding arbitration procedures described in this order shall be completed no later than _____. (30 days prior to PTC)

14. Any request for a trial de novo must be filed within 20 days of service on the parties of the arbitration decision. If no request is timely filed in compliance with Section 44.103(5) and Florida Rule of Civil Procedure 1.820(g), the decision will be referred to the court for entry of judgment. A request for trial de novo may be subject to arbitration costs, court costs, reasonable attorney's fees and other reasonable costs pursuant to Section 44.103(6), Florida Statutes.

ORDERED in _____ County, Florida on _____, 20__.

_____
Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was furnished by US Mail or hand delivery on _____ 20__ to the following:

PARTIES ARBITRATORS

_____
, Judicial Assistant

ADA NOTICE

If you are a person with a disability that is covered under the Americans with Disability Act who needs an accommodation in order to participate in this proceeding, you are entitled to be provided with certain assistance at no cost to you. Please call (352) 337-6237, or if you are hearing-impaired or voice-impaired, call 1-800-955-8771, within seven working days after you receive this notice.