

ADMINISTRATIVE ORDER
NO. 2020-26

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

**ADMINISTRATIVE ORDER GOVERNING COURT-ORDERED
NON-BINDING ARBITRATION**

WHEREAS, section 44.103, Florida Statutes, permits a presiding circuit judge or county court judge to refer 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, I, Donald A. Myers, Jr., in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

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, these procedures are established in the Ninth Judicial Circuit 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 Ninth Judicial Circuit, through the alternative dispute resolution (ADR) programs director, shall create and maintain an updated list of persons who are qualified to serve as arbitrators in matters referred to nonbinding arbitration pursuant to section 44.103, Florida Statutes. The list shall be distributed to the Judges of the Ninth Judicial Circuit and to any other interested persons upon request and may be supplemented with additional qualified persons upon approval by the Chief Judge, but without the necessity of a subsequent Administrative Order.

Pursuant to Rule 11.130, Florida Rules for Court-Appointed Arbitrators, arbitrators serve at the pleasure of the Chief Judge. 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 Ninth Judicial Circuit. The list of qualified arbitrators shall be designated as the Ninth Judicial Circuit List of Qualified Arbitrators, and shall be posted the Ninth Judicial Circuit website at <https://www.ninthcircuit.org/sites/default/files/Arbitrators.pdf>.

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 Ninth Judicial Circuit List of Qualified Arbitrators.

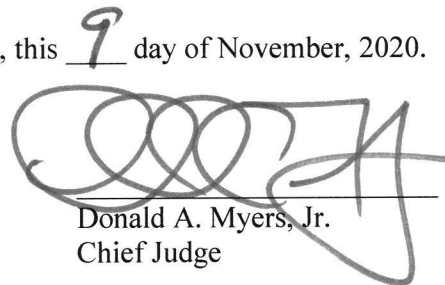
4. Nonbinding arbitration shall be conducted in accordance with the rules of practice and procedure adopted by the Supreme Court of Florida, as well as with all orders and directives of the presiding judge and the provisions of this administrative order. The time, place, and duration of the arbitration 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 Ninth 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 seal the arbitration decision and file it with the clerk of court, together with a 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.

DONE AND ORDERED at Orlando, Florida, this 9 day of November, 2020.



Donald A. Myers, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

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

Plaintiff,

CASE NO.:
DIVISION:

v.

Defendant.

_____ /

ORDER REFERRING CASE TO NONBINDING ARBITRATION

Pursuant to Ninth Judicial Circuit Administrative Order 2020-26; Rules 1.700, 1.800, 1.810, and 1.820, Florida Rules of Civil Procedure; Rules 11.010 and 11.020, Florida Rules for Court-Appointed Arbitrators; and section 44.103, Florida Statutes, this action is hereby referred to nonbinding arbitration by *[specify one or three arbitrators]*, which shall be conducted in accordance with the cited authorities and all applicable rules of practice and procedure adopted by the Supreme Court of Florida. The scope of this referral includes *[specify which claims, or all claims]*. *[Specify the names of the three arbitrator(s) and designate a chief arbitrator, or use the following paragraph]* Plaintiff's attorney shall assume responsibility for ensuring that the parties select a mutually agreeable arbitrator, and shall report that selection to the court in writing within fifteen (15) days of the date of this order; otherwise, the court will select the arbitrator from the Ninth Judicial Circuit List of Qualified Arbitrators, and enter an order notifying the parties of that selection. A list of qualified arbitrators can be found on the Ninth Judicial Circuit's website at <https://www.ninthcircuit.org/sites/default/files/Arbitrators.pdf>.

The arbitrator *[or chief arbitrator]* shall file and serve a Notice of Nonbinding Arbitration Hearing in accordance with the requirements of Administrative Order 2020-26. The arbitrator *[or chief arbitrator]* shall notify the parties in writing of the nonbinding arbitration decision within ten (10) days after the final adjournment of the hearing. At the same time that the parties are notified of the decision, the arbitrator *[or chief arbitrator]* shall seal the arbitration decision and file it with the clerk of court, together with a 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 decision on the parties. All nonbinding arbitration procedures described in this order shall be completed no later than *[at least 45 days before the pretrial conference]*.

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

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, Florida 34741, (407) 742-2417, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.