

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2018-040
(Supersedes Administrative Order S-2014-027)**

NON-BINDING ARBITRATION

Section 44.103, Florida Statutes, provides that a court may refer any contested civil action to non-binding arbitration in accordance with rules adopted by the Florida Supreme Court. Florida Rule of Civil Procedure 1.800 excludes certain matters from arbitration. Rule 1.810 provides for the selection and compensation of arbitrators. Rule 1.820 establishes certain hearing procedures for non-binding arbitration and authorizes the chief judge to establish other procedures for the expeditious and orderly operation of the arbitration hearing.

In accordance with section 44.103(5), Florida Statutes, and Florida Rule of Civil Procedure 1.820(g)(3), it is necessary to provide a method by which the arbitration decision may be filed under seal with the clerk so that the decision is not made known to the presiding judge unless no timely request for a trial de novo is made.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is ORDERED:

1. Selection of Arbitrators

The court's Mediation & Diversion Services Program will maintain a list of qualified persons who have agreed to serve as arbitrators.

2. Scheduling of Arbitration Hearing(s)

If the parties cannot stipulate to the date, time and location of the arbitration hearing, the presiding judge will decide these matters. Unless otherwise ordered by the presiding judge, within 20 days of the date of the order referring parties to non-binding arbitration, a hearing must be scheduled and must be held within 90 days of the order. Any additional hearings will be held in accordance with the time standards set forth in Florida Rule of Civil Procedure 1.820.

3. Case Summary

Unless the chief arbitrator directs otherwise, the parties must each submit a

case summary to each arbitrator no later than 10 days before the scheduled hearing.

4. Presentation

The hearing will be conducted in an informal manner. While it is expected that presentation of the case will be made primarily by counsel for the parties and will be in the form of an opening and closing statement at trial, witnesses may be present and give live testimony as they would in a regular trial. If counsel for the parties opt for the abbreviated form of hearing, counsel will present only factual representations supportable by reference to discovery materials, signed statements of witnesses, stipulations and other documents.

5. Compensation

Arbitrators will be compensated in accordance with section 44.103, Florida Statutes, and Rule 11.100 of the Florida Rules for Court-Appointed Arbitrators. Payment must be made directly to the arbitrator by the conclusion of the arbitration hearing.

6. Arbitration Decision

Within 10 days of the final adjournment of the arbitration hearing, the arbitrators must notify the parties, or their counsel, of the arbitrators' decision by service in accordance with Florida Rule of Judicial Administration 2.516. At the time the parties are served with the decision, the arbitrators must file the decision with the Clerk of the Circuit Court (clerk). Arbitrators are required to file their decision under seal so that the decision is not made known to the presiding judge.

A. Decision Filed Electronically

If the chief arbitrator electronically files the arbitrators' decision with the clerk through the e-Portal, the chief arbitrator must, at the time of filing, file a separate "Notice of Sealed Nonbinding Arbitration Decision." Upon the filing of a Notice of Sealed Nonbinding Arbitration Decision, the clerk must maintain the arbitration decision as sealed unless no request for trial de novo is filed within 20 days of service on the parties of the decision. If a request for trial de novo is timely filed, the clerk will continue to maintain the arbitrators' decision under seal. The clerk will ensure that the arbitrators' decision is not made known to the presiding judge during the period it remains sealed.

B. Decision Filed by Hard Copy

If the chief arbitrator does not electronically file the arbitrators' decision, then the chief arbitrator must file a hard copy of the decision with the clerk by submitting it in a separate sealed manila envelope labeled "Nonbinding Arbitration

Decision” followed by the style of the case and case number. The face of the envelope must indicate that the contents are exempt from public access in accordance with Florida Rule of Civil Procedure 1.820(g)(3). Upon receipt, the clerk will stamp the outside of the manila envelope with the date and time of filing and document the date and time of filing in the clerk’s case maintenance system. The clerk will not make the arbitrator’s decision known to the presiding judge unless no request for trial de novo is filed within 20 days of service on the parties of the decision. If a request for trial de novo is timely filed, the clerk will continue to maintain the arbitrators’ decision under seal.

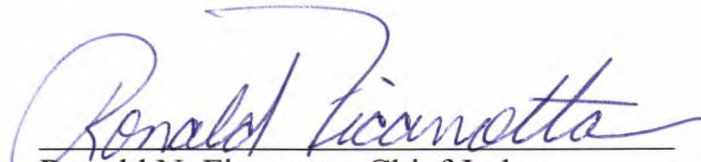
7. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2014-027 (*Non-Binding Arbitration*).

8. Effective Date

This administrative order is effective October 1, 2018.

ENTERED in Tampa, Hillsborough County, Florida, on September 14, 2018.


Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court
All Circuit Civil Division Judges
All County Civil Division Judges
Mediation & Diversion Services