

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. A-2008-08-B

**SECOND AMENDED ADMINISTRATIVE ORDER ESTABLISHING COURT
ORDERED NON-BINDING ARBITRATION IN THE FIFTH JUDICIAL CIRCUIT**

WHEREAS, section 44.103, Florida Statutes, permits a presiding Circuit Civil Judge to refer civil cases to arbitration without the consent of the parties, in much the same way as cases are routinely ordered and referred to mediation; and

WHEREAS, Rule 1.810(a), Florida Rules of Civil Procedure, requires the Chief Judge, or designee, to maintain a list of qualified persons who have agreed to serve within the Circuit as arbitrators under section 44.103, Florida Statutes; and

WHEREAS, Rule 11.010 and 11.020, Florida Rules of Court-Appointed Arbitrators, require with certain exceptions, that the arbitrators be members of The Florida Bar and that they complete a training program approved by the Supreme Court of Florida, set forth with particularity at Rule 11.010, 11.020 and 11.110 Florida Rules of Court Appointed Arbitrators; and

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

WHEREAS, Rule 1.821(b), Florida Rules of Civil Procedure, requires the Chief Judge to establish the compensation rate for court ordered, non-binding arbitration in accordance with §44.103(3) Florida Statutes;

NOW, THEREFORE, I, Don F. Briggs, pursuant to the authority vested in me as Chief Judge of the Fifth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, and being more fully informed and advised in the premises, it is hereby **ORDERED** as follows:

- 1) Pursuant to §44.103, Florida Statutes, and Florida Rules of Civil Procedure 1.700(a), 1.800 and 1.820(b)(1), the Fifth Judicial Circuit hereby establishes these procedures to facilitate the use of non-binding arbitration in contested civil actions filed in Circuit Court except as prohibited by law. At the discretion of the

Presiding Judge, any such civil action, or part thereof, may be referred to non-binding arbitration, except for those matters excluded from non-binding arbitration as set forth in Rule 1.800, Florida Rule of Civil Procedure.

- 2) A list of approved and qualified court appointed arbitrators shall be posted and maintained on the Fifth Judicial Circuit website located at www.circuit5.org. Those persons listed on the registry are hereby deemed eligible and qualified to accept and serve as court appointed arbitrators in Circuit Civil cases as stated in Florida Rule of Civil Procedure 1.800 and medical malpractice and related cases which are governed by section 766.107, Florida Statutes.
- 3) The Office of the General Counsel in and for the Fifth Judicial Circuit shall maintain a list of persons who are qualified, by the terms of this Order, to serve as arbitrators in this Circuit. To be listed as a qualified arbitrator for the Fifth Circuit, the applicant must be a member of The Florida Bar for at least five (5) years, must have completed the Supreme Court of Florida Approved Arbitration Training Program, and must satisfy the qualifications and training requirements as set forth in Florida Rules of Arbitration 1.1.010, 11.020 and 11.110. Attorneys who wish to be added to the list of qualified arbitrators must contact the Office of the General Counsel at (352) 754-4860 and provide written verification of their qualifications. The General Counsel shall provide a list of all interested persons and copies of their qualifications to the Chief Judge for final approval. After approval, the individual shall be added to the list of appointment of qualified arbitrators in the Fifth Circuit. The list of qualified arbitrators shall be designated as the "Fifth Judicial Circuit List of Qualified Arbitrators" and shall be posted on the Fifth Judicial webpage and provided to all Judges in the Fifth Circuit. Any and all updates to the list shall be the responsibility of the Office of the General Counsel.
- 4) Individuals interested in participating in the Fifth Circuit Court Appointed Arbitration Program can obtain information from the Florida Dispute Resolution Center at www.flcourts.org regarding the next available Supreme Court Training for Court Appointed Arbitrators. Training sponsored and approved by the Florida Supreme Court is offered at least once every year at the Annual Dispute

Resolution Center Conference for Mediators and Arbitrators. Additional training classes are made available at the discretion of the Florida Supreme Court.

- 5) The Court shall determine the need for referral to arbitration on a case by case basis. Upon determination of the need to refer a case to non-binding arbitration, the Court shall enter an "Order Referring Case to Non-Binding Arbitration". The "Order Referring Case to Non-Binding Arbitration", attached hereto as Attachment "A" shall be utilized and entered by the Presiding Judge. The parties shall have ten (10) days from the date of the Order Referring Case to Non-Binding Arbitration to select an approved arbitrator and provide said preference in writing to the Office of the Circuit Judge who issued said Order. The preferred arbitrator must be selected from the List available on the website.

If the parties cannot agree on a choice of arbitrator, after ten (10) days the Circuit Court Judge referring the case shall appoint an arbitrator selected by rotation from the Fifth Judicial Circuit List of Qualified Arbitrators.


- 6) Arbitration shall be conducted in accordance with the rules of practice and procedures 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 shall be set by the arbitrator/chief arbitrator after consulting with the parties and their attorneys. Reasonable notice thereof shall be given to the parties by the arbitrator in a Notice of Arbitration Hearing which shall be filed in the court file and served on all parties. All parties and their respective attorneys shall attend the arbitration proceeding. Failure to appear on the part of any party or attorney shall immediately be reported to the Presiding Judge by the arbitrator, in writing, and may result in the imposition of appropriate sanctions.
- 7) Arbitrators conducting court ordered non-binding arbitration in this Circuit shall be compensated in an amount of \$200.00 per hour but shall not exceed One Thousand Five Hundred Dollars (\$1,500.00) per day unless otherwise agreed by the parties. For purposes of compensation, a day of compensation shall consist of eight (8) hours of arbitration. If the parties agree to exceed the One Thousand Five Hundred Dollar (\$1,500.00) cap, approval by the Court is presumed and a

hearing for approval is not required. However, said agreement shall be in writing with a copy filed in the Court file. Arbitration fees shall be equally divided between the parties unless otherwise agreed or ordered by the Court.

- 8) The arbitration decision shall be in writing and shall be presented to the parties. The arbitrator's decision and the originals of any transcripts shall be sealed and filed with the Clerk of the Court at the time parties are notified of the decision. The arbitration decision shall be titled, "ORDER ON ARBITRATION" and shall consist of a full, complete, detailed finding including a statement of facts, outlining the issues presented at arbitration, analysis of the law to the facts and a conclusion/decision.

IT IS SO ORDERED in Chambers, in Tavares, Lake County, Florida, on this

15 day of June, 2016.


DON F. BRIGGS
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT

Attachments: "A" Order Referring Case to Non-Binding Arbitration

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, STATE OF FLORIDA**

Case No.:

vs.

ORDER REFERRING CASE TO NON-BINDING ARBITRATION

Pursuant to Amended Administrative order Number A-2008-08-B, Rules 1.700, 1.800, 1.810, 1.820, Fl. R. Civ. P.; Rules 11.010, 11.020, Fla. R. Arb. and §44.103, Fla. Stat., this action is hereby referred to non-binding arbitration by

One Arbitrator

Three Arbitrator Panel

which shall be conducted in accordance with the aforementioned authorities and all applicable rules of practice and procedures adopted by the Supreme Court of Florida. The Scope of this referral includes

all claims

the following claims only:

Counsel shall **within ten (10) days from the date of this Order** select a mutually agreed upon arbitrator from the Fifth Judicial Circuit List of Qualified Arbitrators and shall notify the Court, in writing, of same. **Counsel for Plaintiff shall be responsible for providing the selected arbitrator with a copy of this Order.** Failure to agree on an arbitrator or failure to advise the Court of the preferred arbitrator shall result in this Court selecting an arbitrator by rotation.

The arbitration hearing shall be conducted within _____ days from the date of this Order. The arbitrator/chief arbitrator shall file and serve a Notice of Arbitration Hearing in accordance with the requirements of Administrative Order Number A-2008-08-B.

DONE AND ORDERED this _____ day of _____,
20____.

Circuit Judge

cc: Parties