

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR BREVARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.:
23-40-B
SUPERSEDES 05-23-B

**IN RE: ARBITRATION - CREATION AND MAINTENANCE OF CIRCUIT LIST OF
QUALIFIED ARBITRATORS; COURT ORDERED NON-BINDING ARBITRATION IN
CIRCUIT CIVIL CASES & COUNTY COURT; COMPENSATION AND PROCEDURES**

WHEREAS, Section 44.103, Florida Statutes, permits a presiding Civil Circuit or County Judge to refer civil cases to non-binding arbitration without the consent of the parties, in much the same way cases are referred to mediation;

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

WHEREAS, Rules 11.010 and 11.020, Florida Rules of 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;

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 arbitration hearing;

WHEREAS, Rule 1.810(b), Florida Rules of Civil Procedure, requires the Chief Judge to establish the compensation for arbitrators in accordance with § 44.013(3), Florida Statutes;

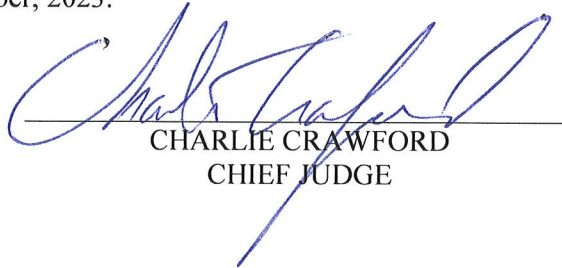
NOW THEREFORE, pursuant to the authority vested in the Chief Judge by Rule. 2.050, of the Florida Rules of Judicial Administration, it is ORDERED as follows:

1. The Administrative Judge of the Circuit Civil Division shall create for Court Administration a list of persons who are qualified to serve as arbitrators.
2. To be qualified as an arbitrator, one must comply with the qualifications and training requirements set forth in Florida Rules of Arbitration 11.010, 11.020, and 11.110. Attorneys who are interested in being listed as arbitrators should complete an application

form and deliver it to the Administrative Judge of the Circuit Civil Division. A sample application form is attached to this Order. The list of qualified arbitrators shall be designated as the 18th Judicial Circuit's List of Qualified Arbitrators.

3. 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 as may be approved by the Chief Judge. The time and place of the arbitration hearing shall be scheduled by the arbitrator(s) after consulting with the parties and their attorneys. The arbitration hearing shall be conducted within Brevard County, Florida, unless the parties otherwise agree to the use of communication technology, as that term is defined in the Florida Rules of Judicial Administration. Any agreement to use communication technology in lieu of a live appearance, shall be subject to approval by the Chief Arbitrator.
4. An Order of Referral, or a substantially similar order, shall be used by the presiding Judge on all cases referred to arbitration. A sample Order of Referral is attached to this Order.
5. Arbitrators in this Circuit, conducting court ordered non-binding arbitration, shall be compensated at an hourly rate not to exceed three hundred dollars (\$300.00) per hour. This provision does not preclude an arbitrator from charging a reasonable cancellation and/or a reasonable minimum fee (not to exceed \$600), provided notice of said fee(s) was previously given to the parties.
6. The Arbitrator's minimum fee shall be paid at least seven (7) days prior to the commencement of said hearing, with any remaining fee to be paid within fifteen (15) days after completion of the hearing. Fees shall be equally divided between parties, subject to the Court's authority to subsequently assess those fees against a party as court costs.
7. Unless otherwise agreed to, the parties shall submit any affidavits, expert witness reports, court record excerpts, case law, and any other documents they wish the arbitrator to consider at least seven (7) days before the commencement of the arbitration hearing. The arbitrator also has the discretion to allow the submission of additional documents at a later date if consideration of such documents will not result in undue prejudice to any party.
8. The Clerk of the Court shall designate an employee(s) to accept the arbitrator's written decision and shall seal such filing in accordance with Fla. Stat. §44.103(5).

DONE AND ORDERED on this 14th day of November, 2023.



CHARLIE CRAWFORD
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard County)
Court Administration (Brevard County)
Clerk of Court (Brevard County)
State Attorney (Brevard County)
Public Defender (Brevard County)
Sheriff (Brevard County)
Bar Association (Brevard County)
Law Library (Brevard County)

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR BREVARD COUNTY, FLORIDA

CASE NO: _____

Petitioner/Plaintiff,

vs

Respondent/Defendant
_____/

ORDER REFERRING CASE TO ARBITRATION

Pursuant to Rules 1.700, 1.800 to 1.810, and 1.820, Florida Rules of Civil Procedure; Section 44.103, Florida Statutes; and Rules 11.010 and 11.020, Florida Rules Court-Appointed Arbitrators; the parties are hereby referred to non-binding arbitration, which shall be conducted according to the aforementioned authorities and rules of practice and procedure adopted by the Supreme Court of Florida.

The Court hereby appoints the following arbitrator(s), that is (are) qualified, pursuant to the Florida Rules for Court Appointed Arbitrators:

CHIEF ARBITRATOR'S NAME: _____
ADDRESS: _____
PHONE NUMBER: _____

If a panel of arbitrators is being appointed;

SECOND ARBITRATOR'S NAME: _____
ADDRESS: _____
PHONE NUMBER: _____

THIRD ARBITRATOR'S NAME: _____
ADDRESS: _____
PHONE NUMBER: _____

The parties may select arbitrator(s) other than those named above. If the parties choose to select the arbitrator(s), they shall do so from the approved arbitrator list maintained by Court Administration. If the parties choose to select a three-member arbitration panel, the plaintiff(s) and the defendant(s) shall each select one arbitrator, and those two arbitrators shall select the third arbitrator who shall serve as the Chief Arbitrator of the panel.

If the parties select an arbitrator(s) other than those named above, notice of such selection shall be given to the Court by the parties designating their selected arbitrator(s) on the attached Arbitration Acknowledgement Form, setting forth the name(s), address(es) and telephone number(s) of the selected

arbitrator(s). The said form shall be filed by plaintiff's counsel (or by defendant's counsel if the plaintiff is appearing pro-se) no later than twenty (20) days after the date of this order. If the Arbitration Acknowledgement Form is not timely filed, the parties shall be deemed to have waived the option to select the arbitrator(s), and the arbitrator(s) named in this order shall hear and decide the arbitration proceedings.

The first arbitration hearing shall be held within sixty (60) days of this Order.

The arbitrator(s) shall attempt to coordinate the dates and times for arbitration with the parties/attorneys. Within thirty (30) days of this Order, the Chief Arbitrator shall notify the parties of the date, time and place of the arbitration hearing. The actual Notice of Arbitration is attached to, and incorporated into this Order, and shall be completed by the Chief Arbitrator and forwarded to the attorneys for each party and all pro se litigants. If there is a lack of cooperation and/or a failure to meet the time limits imposed by this Order, the arbitrator shall file a Notice of Non-Compliance and shall supply the assigned judge a copy of same.

The parties/attorneys shall follow the arbitration procedures detailed in the Notice of Arbitration.

DONE AND ORDERED on this _____ day of _____, _____.

CIRCUIT JUDGE

Attachments: Notice of Court Ordered Non-Binding Arbitration
Arbitration Acknowledgement Form

Copies furnished to the following:
Counsel/Parties
Arbitrator(s)

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR BREVARD COUNTY, FLORIDA

CASE NO.: _____

Plaintiff,
vs.

Defendant.
_____ /

ARBITRATION ACKNOWLEDGEMENT FORM

This form shall be filed by counsel for Plaintiff or, if Plaintiff is pro se, by counsel for the Defendant.

In accordance with Order Appointing Arbitrator:

- The undersigned hereby acknowledges the appointment of the arbitrator(s) assigned by the judge and the scheduling of the arbitration conference.
- The undersigned hereby certifies to the court that the parties have agreed to the use of the arbitrator(s) whose name(s), address(es), and telephone number(s) appear below and who have been selected from the 18th Judicial Circuit list of qualified arbitrators.

Chief Arbitrator's Name: _____
Address: _____
Telephone Number: _____

If a three-member panel has been agreed to:

Second Arbitrator's Name: _____
Address: _____
Telephone Number: _____

Third Arbitrator's Name: _____
Address: _____
Telephone Number: _____

The arbitration conference will be held on _____.

Signature of Party/Party's Attorney

Date

Printed Name of Party/Party's Attorney

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR BREVARD COUNTY, FLORIDA

CASE NO: _____

Petitioner/Plaintiff,

vs

Respondent/Defendant
_____ /

NOTICE OF COURT ORDERED NON-BINDING ARBITRATION

You are hereby notified that the Court-ordered arbitration in this matter shall take place as follows:

NAME OF CHIEF ARBITRATOR: _____

PLACE OF ARBITRATION: _____

DATE OF ARBITRATION: _____

TIME OF ARBITRATION: _____

Prior to the arbitration proceedings, please familiarize yourself with the following:

- (a) Administrative Order 23-40-B, Eighteenth Judicial Circuit, Brevard County, which can be found <https://flcourts18.org/document-library>
- (b) Section 44.103, Florida Statutes;
- (c) Rules 1.700, 1.800, 1.810 and 1.820, Florida Rules of Civil Procedure; and
- (d) Rules, 11.010 through 11.130, Florida Rules for Court-Appointed Arbitrators.

The following provisions also apply to non-binding arbitration hearings:

1. Arbitrators are compensated at an hourly rate not to exceed \$300.00 per hour as established by the arbitrator(s). This provision does not preclude an arbitrator from charging a reasonable cancellation and/or a reasonable minimum fee (not to exceed \$600), provided notice of said fee(s) was previously given to the parties.
2. The Arbitrator's fee shall be paid at least seven (7) days prior to the commencement of said hearing, with any remaining fee to be paid within fifteen (15) days after completion of the hearing. Fees shall be equally divided between parties, subject to the Court's authority to subsequently assess those fees against a party as court costs.
3. An arbitrator shall have the power to administer oaths or affirmations, conduct the arbitration proceedings, issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence, and apply to the Court for orders compelling such attendance and production.
4. Subpoenas shall be served and shall be enforceable in the manner provided by law.
5. Arbitration proceedings are quasi-judicial proceedings and, as such, are to have the same procedural safeguards as judicial proceedings, even though they are not meant to be conducted with formality of court; each party must have a full hearing in the presence of the other party, unless such right is waived by agreement or conduct.

6. The arbitration hearing shall be conducted within Brevard County, Florida, unless the parties otherwise agree to the use of communication technology, as that term is defined in the Florida Rules of Judicial Administration. Any agreement to use communication technology in lieu of a live appearance, shall be subject to approval by the Chief Arbitrator.
7. Unless otherwise agreed to, the parties shall submit any affidavits, expert witness reports, court record excerpts, case law, and any other documents they wish the arbitrator to consider at least seven (7) days before the commencement of the arbitration hearing. The arbitrator also has the discretion to allow the submission of additional documents at a later date if consideration of such documents will not result in undue prejudice to any party.
8. When the parties, their attorneys, and their witnesses convene at the hearing, the arbitrator(s) is (are) in charge. The arbitration hearings will follow a logical pattern, with opening statements, introduction of the initiating documents, and final summations. It is customary for the complaining party to be heard first. However, the Chief Arbitrator has authority over the order of the proceedings and has the discretion to vary this procedure when necessary.
9. The hearing shall be conducted informally. Presentation of testimony shall be kept to a minimum; matters shall be presented to the arbitrator(s) primarily through statements and arguments of counsel.
10. Strict conformity to the rules of evidence will not be required. The arbitrator(s) will rule on the admissibility of evidence and will refuse to hear evidence that they deem irrelevant, immaterial, or repetitious. Where two or more arbitrators are serving, rulings will be made by the majority of the panel.
11. The arbitrator(s) may issue such instructions as are necessary for the expeditious and orderly conduct of the hearing. The arbitrator(s) instructions are not appealable. Upon notice to all parties, the arbitrator(s) may apply to the presiding judge for orders directing compliance with such instructions. Instructions enforced by a court order are appealable, as are other orders of the Court.
12. When a party fails to appear at a hearing, the arbitrator(s) may proceed with the hearing and shall render a decision, based upon the facts and circumstances, as presented by the parties present.
13. Any party may have a record and transcript made of the arbitration hearing at that party's expense.
14. Arbitration shall be completed within thirty (30) days of the first arbitration hearing, unless extended by order of the court on motion of the arbitrator or of a party. No extension of time shall be for a period exceeding sixty (60) days from the date of the first arbitration hearing.
15. Within ten (10) days of the final adjournment of the arbitration hearing, the arbitrator(s) shall notify the parties, in writing, of the decision. The arbitrator(s) shall indicate in the decision which party prevailed on each claim/counter-claim. The arbitrator's decision and the originals of any transcripts shall be sealed and filed with the Clerk of the Circuit Court at the time the parties are notified of the decision. Any objection that an award was not made within the time required is waived, unless the objecting party notifies the arbitrators in writing of his/her objection prior to the delivery of the award to him/her.
16. Any party may file a motion for trial de novo. **An arbitration decision shall be final if a request for a trial de novo is not filed within twenty (20) days of the filing of the sealed decision.**
17. If a motion for trial de novo is not made within twenty (20) days of filing of the sealed decision, the decision shall be referred to the presiding judge, who shall enter such orders and judgments as may be required to carry out the terms of the decision, as provided by Section 44.103(4), Florida Statutes. Such orders shall be enforceable by the contempt powers of the court and execution on such judgments shall issue on request of a party.

18. **If the judgment from the trial de novo is not more favorable than the arbitration decision, the party having filed for the trial de novo may be assessed** the arbitration costs, additional court costs, reasonable attorney's fees, and other reasonable costs, such as investigation expenses and expenses for expert or other testimony or evidence incurred after the arbitration hearing and continuing through trial. **It is important for the parties to familiarize themselves with the provisions of Section 44.103(6) to identify the circumstances in which a party may be assessed with the aforementioned costs.**
19. The arbitrator shall complete the Arbitrator Statistical Summary Form twenty (20) days after the written decision has been served to all parties and return the form to Court Administration.

DATED this ____ day of _____, _____.

CHIEF ARBITRATOR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Court-Ordered Non-Binding Arbitration has been provided to the following via e-filing through the portal and/or by U.S. Mail on this ____ day of _____, _____:

(service list)

(signature)

WITHIN TWENTY DAYS OF THE SIGNED ORDER
PLEASE RETURN TO JUDGE ASSIGNED TO CASE:
ARBITRATION STATISTICAL SUMMARY

STYLE OF CASE _____ CASE # _____

PRESIDING JUDGE _____ DIV. _____ CIRCUIT _____

COUNTY _____ DATE OF ARBITRATION _____ HRS OF ARB. _____

TYPE OF CASE

- | | |
|---|---|
| <input type="checkbox"/> Personal Injury | <input type="checkbox"/> Real Property/Mortgage Foreclosure |
| <input type="checkbox"/> Property Damage | <input type="checkbox"/> Malpractice |
| <input type="checkbox"/> Products Liability | <input type="checkbox"/> Other (please indicate): _____ |
| <input type="checkbox"/> Contract | |
| <input type="checkbox"/> Consumer | |
| <input type="checkbox"/> Employment | |
| <input type="checkbox"/> Eminent Domain | |

Arbitrator (signed)

Date

Arbitrator (print name)

RETURN TO:

**Court Administration
Harry T. & Harriette V. Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940**

FOR COURT ADMINISTRATION USE ONLY:

A trial de novo was requested within 20 days of the serving of the written decision of the Arbitrator.

YES NO

ARBITRATOR APPLICATION
18TH JUDICIAL CIRCUIT

NAME _____

ADDRESS _____

TELEPHONE# _____ CELL _____ FAX _____

Member of Florida Bar YES NO If yes, year and Bar# _____

Supreme Court approved Arbitration Training taken: Year _____ Trainer _____
(PLEASE ATTACH COPY OF TRAINING CERTIFICATE)

Certified Mediator YES NO If yes, year and certification # _____

Please check all areas of certification.

Circuit County Family Dependency

Describe all relevant experience as an Arbitrator:

Please check area of expertise. (Please check up to (3) three)

TYPE OF CASE

- | | | |
|---|---|--|
| <input type="checkbox"/> Personal Injury | <input type="checkbox"/> Consumer | <input type="checkbox"/> Malpractice |
| <input type="checkbox"/> Property Damage | <input type="checkbox"/> Employment | <input type="checkbox"/> Other (please indicate) |
| <input type="checkbox"/> Products Liability | <input type="checkbox"/> Eminent Domain _____ | |
| <input type="checkbox"/> Contract | <input type="checkbox"/> Real Property/ _____ | |
| | <input type="checkbox"/> Mortgage Foreclosure _____ | |

Please include a current resume or curriculum vitae.

**Once Application is completed submit to the Administrative Judge of the Circuit Civil Division or
the Administrative Judge of County Court.**

Signature

Date