

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

_____,
Plaintiff (s),

CASE NO. _____

vs.

DIVISION: H

_____,
Defendant (s).

_____ /

ORDER REFERRING PARTIES TO NON-BINDING ARBITRATION

The Court has determined that this action is of such a nature that arbitration could be of benefit to the litigants or the Court. Accordingly, pursuant to *Fla. R.Civ. P.* 1.800, 1.810, 1.820, and Section 44.103, *Florida Statutes*, this action is referred to non-binding arbitration. It is therefore **ORDERED and ADJUDGED**:

The parties are hereby ordered to conduct non-binding arbitration in accordance with the following conditions and requirements:

1. The arbitration shall be conducted in compliance with Administrative Order, S-2018-040, and *Fla.R.Civ.P.* 1.800, 1.810, 1.820, and Section 44.103, *Florida Statutes*.
2. Within 15 days of the date of this order, each party shall select an arbitrator and notify the Court and all other parties in writing of the name and address of the arbitrator selected. The arbitrators selected shall meet within 10 days and select an arbitrator who shall be the presiding or chief arbitrator. Each party shall be responsible for all fees or cost charged by the arbitrator selected by the party, and shall share equally in the costs and fees of the presiding or chief arbitrator. In the alternative, the parties may agree to the use of a single arbitrator in which case the parties must agree to the arbitrator selected and share equally in the costs and fees of that arbitrator. If a single arbitrator is used he or she will be designated the Chief Arbitrator and the parties shall notify the Court in writing of the name and address of that arbitrator. The parties shall comply with all other requirements of Administrative Order S-2018-040.
3. *a) Authority of the Chief Arbitrator.* The chief arbitrator shall have authority to commence and adjourn the arbitration hearing and carry out other such duties as are prescribed by Section 44.103, *Florida Statutes*. The chief arbitrator shall not have authority to hold any person in contempt or to in any way impose sanctions against any person.

- b) *Conduct of the Arbitration Hearing.* The hearing shall be conducted in accordance with the procedures set forth in Administrative Order S-2018-040. 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 this 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 (see. A.O. S-2018-040 para. 2).
- c) *Required Attendance.* Individual parties or authorized representatives of corporate parties shall attend the arbitration hearing unless excused in advance by the Court for good cause shown. Lead counsel for parties shall also attend the arbitration hearing unless excused in advance by the Court for good cause shown. And, a representative of the insurance carrier for any insured party who is not such carrier's outside counsel shall also attend the arbitration hearing unless excused in advance by the Court for good cause shown.
- d) *Rules of Evidence.* The hearing shall be conducted informally. Presentation of testimony shall be kept to a minimum, and matters shall be presented to the arbitrator(s) primarily through the statements and arguments of counsel.
- e) *Orders.* The chief arbitrator may issue instructions as are necessary for the expeditious and orderly conduct of the hearing. The chief arbitrator's instructions are not appealable. Upon notice to all parties the chief arbitrator 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.
- f) *Default of a Party.* When a party fails to appear at a hearing, the chief arbitrator may proceed with the hearing and the arbitration panel shall render a decision based upon the facts and circumstances as presented by the parties present.
- g) *Record and Transcript.* Any party may have a record and transcript made of the arbitration hearing at that party's expense.
- h) *Completion of the Arbitration Process.*
- a. Arbitration shall be completed within 30 days of the first arbitration hearing unless extended by order of the court on motion of the chief arbitrator or of a party. No extension of time shall be for a period exceeding 60 days from the date of the first arbitration hearing.
 - b. Upon the completion of the arbitration process, the arbitrator(s) shall render a decision. In the case of a panel, a decision shall be final upon a majority vote of the panel.

- c. Within 10 days of the final adjournment of the arbitration hearing, the arbitrator(s) shall notify the parties, in writing, of their decision. The arbitration decision may set forth the issues in controversy and the arbitrators' conclusions and findings of fact and law. The arbitrators' decision and the originals of any transcripts shall be sealed and filed with the clerk at the time the parties are notified of the decision.
- i) *Time for Filing Motion for Trial.* Any party may file a motion for trial. If a motion for trial is filed by any party, any party having a third-party claim at issue at the time of arbitration may file a motion for trial within 10 days of service of the first motion for trial. If a motion for trial is not made within 20 days of service on the parties of the 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(5), *Florida Statutes*.

DONE and ORDERED in Chambers at Tampa, Hillsborough County, Florida, this ____, day of _____, 202__.

EMMETT LAMAR BATTLES
Circuit Judge

Copies to: