

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order No. 2023-10-Civ (Amendment 1)

PROCEDURES FOR NON-BINDING ARBITRATION

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of General Practice and Judicial Administration 2.215 (b) (3) states the Chief Judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) Section 44.103, Florida Statutes, and Florida Rules of Civil Procedure require the Chief Judge to establish procedures with regard to non-binding arbitration for contested Circuit Court and County Court civil actions.

(d) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

(1) The Chief Judge shall approve applicants for addition to the list of individuals qualified to serve as arbitrators for Circuit and County Court civil matters. Arbitrators serve at the pleasure of the Chief Judge and are subject to removal from the Circuit’s approved list pursuant to Florida Rule of Court-Appointed Arbitrators 11.130.

(2) Qualified individuals seeking to serve as an arbitrator for Circuit and/or County Court civil matters are required to complete the “Arbitrator Application for the Seventeenth Judicial Circuit.” A copy of this application is attached as Exhibit A. Applications are also available from the Court Mediation and Arbitration Program, Room 19150, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301. Completed applications should be returned to the Court Mediation and Arbitration Program, Room 19150, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301.

(3) The required orders of referral to non-binding arbitration, arbitrator acceptance forms, and notice of arbitration hearings for civil actions other than personal injury protection (PIP) cases are attached as Exhibit B and the procedures and requirements of non-binding arbitration are incorporated by reference.

(4) The required orders of referral to non-binding arbitration, arbitrator acceptance forms, and notice of arbitration hearings for county civil cases, including personal injury protection (PIP), are attached as Exhibit C and the procedures and requirements of non-binding arbitration are incorporated by reference.

(5) Only arbitrators who meet the qualifications set forth in Florida Rules for Court-Appointed Arbitrators 11.010 and 11.020 shall be approved by the Chief Judge and appointed by the presiding judge in civil actions. The individuals meeting the qualifications of Florida Rules for Court-Appointed Arbitrators 11.010 and 11.020 shall be separately designated on the list of qualified arbitrators as either a member of The Florida Bar or not a member of The Florida Bar.

(6) If a party to the action has been declared indigent by the Clerk of the Courts the case shall not be referred to arbitration.

(7) If an arbitrator fails to submit the statistical summary to the Court Mediation and Arbitration Program, then in the discretion of the Chief Judge, the arbitrator may be removed from the list of qualified arbitrators for this Circuit. The statistical summary is attached as Exhibit D.

(8) Exhibits A-D, attached to this Order may be amended from time to time without the requirement of this Administrative Order being amended.

(9) Procedures to review complaints. Pursuant to Florida Rule for Court-Appointed Arbitrators 11.130 the Chief Judge is responsible for enforcing the rules of conduct for arbitrators who are appointed pursuant to chapter 44, Florida Statutes.

a. A party alleging an arbitrator has violated one or more Florida Rules for Court-Appointed Arbitrators may submit a complaint to the Chief Judge outlining the alleged violation or violations.

b. Upon receipt of a complaint, the Chief Judge shall provide a copy of the complaint to the arbitrator and direct that he or she respond within thirty (30) days.

c. After review of the complaint, and response, if any, the Chief Judge will issue a decision.

d. Any aggrieved party may appeal the decision of the chief judge in the same manner as any other matter appealed from the Chief Judge.

This Administrative Order vacates and supersedes 2023-10-Civ.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 30th day of April, 2024.

/s/ Jack Tuter
Jack Tuter, Chief Judge

EXHIBIT "A"

ARBITRATOR APPLICATION FOR THE SEVENTEENTH JUDICIAL CIRCUIT

Instructions: This application must be filled out in its entirety if you wish to be considered for inclusion on the list of qualified arbitrators for the Broward County Court and 17th Judicial Circuit. Please print legibly or type. A copy of your Training Certificate and, if applicable, a copy of your Florida Bar Card must be included with your application. Please attach a copy of your current resume or curriculum vitae and a statement as to any experience as an arbitrator. You must return the application with supporting documentation to: countymed@17th.flcourts.org or by mail at The Court Mediation and Arbitration Program, Broward County Courthouse, 201 S.E. Sixth Street, Room 19150, Fort Lauderdale, Florida, 33301.

Full Legal Name: _____

Principle Business Address: _____

Business Address in Broward County, Florida to conduct arbitration hearings: _____

Business Phone: _____

Business Fax: _____

Email Address _____

Member of the Florida Bar? Yes No

Have you completed Supreme Court approved Arbitration Training? Yes No

Please check all types of cases for which you are seeking appointment:

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

Signature

Date Signed

EXHIBIT "B"

IN THE COUNTY COURT IN AND FOR BROWARD COUNTY, FLORIDA
 IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

Case Number
Division

Plaintiff,

v.

Defendant.

_____ /

ORDER REFERRING CASE TO ARBITRATION
(Single Arbitrator)

THE COURT sua sponte/ upon the motion of a party, hereby refers the above captioned matter to non-binding arbitration as authorized by statute and rules of procedure. It is ORDERED as follows:

1. The parties shall within fifteen (15) days of the date of this Order select an arbitrator from those individuals authorized to conduct arbitrations for this County/Circuit. The parties must file the original joint notice of the name, address, and telephone number of the selected arbitrator with the Court Mediation and Arbitration Program, Room 19150, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301 or via email at countymed@17th.flcourts.org.
2. If the parties cannot agree, the Court appoints the following arbitrator:

Name _____

Address _____

Telephone Number _____

3. The parties must provide the arbitrator with a copy of this Order.
4. The first arbitration hearing must be held within sixty (60) days of the date of this Order in Broward County, Florida.

5. The arbitrator within thirty (30) days of this Order must notify the parties of the date, time and place of the arbitration hearing. The form Notice of Arbitration Hearing is attached and all terms are incorporated by reference into this Order.
6. The Arbitrator shall be compensated in accordance with Section 44.103, Florida Statutes, unless otherwise agreed to by the parties.
7. If there is 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 must serve same upon counsel for each party and all self-represented parties with a courtesy copy to the undersigned Judge and the Court Mediation and Arbitration Program.
8. The arbitrator must complete the Arbitrator Statistical Summary Form and return it to the Court Mediation and Arbitration Program within twenty (20) days after the time for filing any motions directed to the written decision has expired.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida on this _____ day of _____, 20_____.

County Judge/Circuit Judge

Copies furnished:

Counsel of Record

Parties of Record

Court Mediation and Arbitration Program, Room 19150, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301 / countymed@17th.flcourts.org

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, Room 20140, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately on receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

EXHIBIT "C"

IN THE COUNTY COURT IN AND FOR BROWARD COUNTY, FLORIDA

Case Number:

Division:

Plaintiff,

v.

Defendant.

_____ /

NOTICE OF ARBITRATION HEARING
(Single Arbitrator – County Civil Case)

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

Name of Arbitrator _____

Address of Arbitration _____

Date of Arbitration _____

Time of Arbitration _____

ARBITRATION PROCEDURES

1. The parties and arbitrator must comply with Florida Rule of Civil Procedure 1.700, 1.800, 1.810, and 1.820.
2. The parties and arbitrator must comply with section 44.103, Florida Statutes.
3. The arbitrator shall be entitled to a fee of \$1,500.00 for any case with a prefix of COINX or any case seeking damages greater than \$30,000.00, and \$750.00 for all other cases for a three (3) hour hearing, unless otherwise agreed to by the parties and arbitrator. The parties shall be responsible for the arbitrator’s compensation as set forth in the Order Referring County Civil Case to Arbitration unless otherwise agreed to by the parties.
4. A minimum fee of \$100.00 must be paid to the arbitrator ten (10) days prior to the commencement of arbitration. The parties must be responsible for the arbitrator’s minimum compensation as set forth in the Order Referring County Civil Case to Arbitration unless otherwise agreed to by the parties.
5. Any compensation due the arbitrator upon conclusion of the hearing must be paid by the parties as set forth in the Order Referring County Civil Case to Arbitration unless a later date is otherwise agreed to by the arbitrator.

6. The arbitrator shall have the power to administer oaths or affirmations and conduct the arbitration proceedings.
7. Individual parties or authorized representatives of corporate parties must attend the arbitration hearing, unless excused in advanced for good cause by the arbitrator. If a party, an authorized representative of corporate parties, or an attorney for any party fails to attend an arbitration hearing, the arbitrator may proceed with the hearing and enter his or her written decision.
8. When the parties, attorneys, and witnesses are at the hearing, the arbitrator shall make all decisions with regard to the proceedings.
9. The arbitration hearing shall be conducted as follows:
 - a. each party will present an opening statement;
 - b. each party will present evidence or testimony;
 - c. each party will present a final summation.
10. The arbitrator in his or her decision must indicate which party prevailed on each claim, counterclaim, or cross claim. The arbitrator's decision must also indicate if a party is required to pay costs or attorney's fees, as applicable, and the amount of the fees and costs to be awarded.
11. The arbitrator must file his or her decision and the original of any transcripts with the Clerk of the Courts in a sealed envelope and on the face of the envelope indicate the contents are exempt from public access pursuant to Florida Rule of Civil Procedure 1.820 (g) (3).
12. Florida Rules of Civil Procedure 1.080 and 1.090 shall govern the manner in which the arbitrator must serve his or her decision upon the parties and the time by which the parties must file any motions directed to the decision. A copy of any motion directed to the decision must also be served upon the arbitrator.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by [] hand delivery / [] mail / [] tele copier and mail upon

on _____, 20____.

Signature of Arbitrator _____

Printed Name of Arbitrator _____

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, Room 20140, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately on receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

EXHIBIT "D"
ARBITRATION STATISTICAL SUMMARY

Style of Case _____

Case Number _____

Judge _____ Circuit County

Date of Arbitration _____

Number of Hearing(s) _____

Hours _____

Total Charges _____

Type of Case (Primary basis for lawsuit)

- Consumer
- Contract
- Eminent Domain
- Employment
- Malpractice
- Property Damage/ Insurance
- Personal Injury/PIP
- Products Liability
- Real Property/Mortgage Foreclosure
- Other (please indicate) _____

A party to the arbitration filed a motion seeking a trial de novo after no later than twenty (20) days after the final decision was served? Yes No

Signature of Arbitrator _____

Printed Name of Arbitrator _____

Date _____

RETURN TO:
Court Mediation and Arbitration Program
Broward County Courthouse
Room 19150
201 S. E. 6th Street
Fort Lauderdale, Florida 33301
Tel.: (954) 831-6077
Fax: (954) 831-6079
Email: countymed@17th.flcourts.org