

Attachment A

IN THE CIRCUIT COURT,
SEVENTH JUDICIAL CIRCUIT,
_____ COUNTY, FLORIDA

Case No.:
Division:

Plaintiff/Petitioner,

v.

Defendant/Respondent,
_____ /

ORDER REFERRING CASE TO NON-BINDING ARBITRATION

Pursuant to Rules 1.700, 1.800, 1.810, and 1.820, Florida Rules of Civil Procedure; and §44.103, Florida Statutes, the parties are hereby referred to non-binding arbitration. The Court hereby appoints the following qualified individual to serve as arbitrator:

Arbitrator's Name:
Address:

Telephone Number:

In the event the parties choose to select a different individual to serve as arbitrator, they may do so within fifteen (15) days of this order by mutually selecting an individual from the Court's approved Arbitrator List and filing the name, address, and phone number of the selected arbitrator with the Court. The parties are responsible for providing the arbitrator with the Order Referring Case to Arbitration, the Notice of Arbitration, and the Statistical Summary.

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

The arbitrator shall attempt to coordinate the dates and times for arbitration with the parties/attorneys. Within thirty (30) days of this Order, the Arbitrator shall notify the parties of the date, time and place of the arbitration hearing. The Notice of Arbitration is attached to, and incorporated into, this Order, and shall be completed by the Arbitrator and forwarded to the parties. 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 with the Court.

The arbitrator and parties shall comply with the procedures detailed in the Notice of Arbitration. Within twenty (20) days of filing his/her written decision, the arbitrator must complete the Arbitration Statistical Summary form and forward it to the Court Administrator's Office.

Done and Ordered in _____ County, Florida this _____ day of _____ 20__.

Circuit Judge

Attachment: Notice of Court-Ordered, Non-Binding Arbitration
Copies furnished: Arbitrator
Parties
Court Administration, Daytona Beach (Order of Referral only)

NOTICE OF COURT-ORDERED, NON-BINDING ARBITRATION

_____ v. _____
Plaintiff Respondent

Case No: _____

Court-ordered, non-binding arbitration in this cause shall take place as follows:

NAME OF ARBITRATOR: _____

PLACE OF ARBITRATION: _____

DATE OF ARBITRATION: _____

TIME OF ARBITRATION: _____

Please familiarize yourself with the following prior to the arbitration hearing:

- (a) Seventh Judicial Circuit Administrative Order CV-2009-019-SC (see www.circuit7.org);
- (b) Rules 1.700, 1.800, 1.810 & 1.820, Florida Rules of Civil Procedure;
- (c) Section 44.103, Florida Statutes; and
- (d) Rules 11.010 through 11.130, Florida Rules for Court-Appointed Arbitrators.

The following provisions apply to arbitration hearings:

- The arbitrator will be compensated at the rate of \$225 per hour. Out-of-county travel time will be reimbursed at the rate of \$75 per hour, plus mileage at the State rate. A minimum fee of \$450 must be paid to the arbitrator at least 10 days prior to the commencement of the arbitration hearing. If the hearing is cancelled within 10 days of the scheduled hearing date due to resolution of the case, the arbitrator is entitled to retain the fee. If the hearing exceeds two hours, or if the arbitrator incurs travel expenses, the balance of the arbitrator’s fee/expenses, if any, must be paid upon conclusion of said hearing. Fees/expenses are to be divided equally between the parties.
- The arbitrator has the power to administer oaths or affirmations and to conduct the arbitration proceedings. Any party may petition the Court, for good cause shown, to authorize the arbitrator to issue subpoenas for the attendance of witnesses and the production of books, records, documents and other evidence; and may petition the Court for orders compelling such attendance and production. Subpoenas shall be served and are enforceable in the manner provided by law.
- Individual parties, or authorized representatives of corporate parties, shall attend the arbitration hearing unless excused in advance by the arbitrator for good cause shown. If a party, an authorized representative, or attorney fails to attend an arbitration hearing, the Court may apply sanctions.
- The arbitration hearing will follow a logical pattern, with opening statements, introduction of initiating documents, and final summations. It is customary for the complaining party to be heard first. However, the Arbitrator has authority over the order of the proceedings and has the discretion to vary this procedure when necessary.
- The arbitration hearing will be conducted informally, with evidence presentation and testimony kept to a minimum. Matters should be presented to the arbitrator primarily through statements and arguments of counsel. The arbitrator may issue such instructions as are necessary for the expeditious and orderly conduct of the hearing.

- Strict conformity to the rules of evidence will not be required. The arbitrator will rule on the admissibility of evidence and may refuse to hear evidence that he/she deems irrelevant, immaterial, or repetitious.
- If a party fails to appear at the arbitration hearing, the hearing will proceed and the arbitrator will render a decision based upon the facts and information presented by those present.
- Any party may have a record and transcript made of the arbitration hearing, at that party's expense.
- Arbitration must be completed within 30 days of the first arbitration hearing, unless extended by order of the Court or the arbitrator. Such extensions should **not** result in the failure of the arbitration to be completed within 60 days from the date of the first arbitration hearing.
- The arbitrator shall notify the parties, in writing, of his/her decision within 10 days of final adjournment of the arbitration hearing. The arbitrator 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 Court at the time the parties are notified of the decision. If not otherwise indicated, the arbitrator shall note the date that his/her decision was mailed to the parties. Any objection that a decision was not made within the time required is waived, unless the objecting party notifies the arbitrator in writing of his/her objection prior to the delivery of the decision to him/her.
- Any party may file a motion for trial de novo. **However, if a motion for trial de novo is not filed within twenty (20) days of service of the decision on the parties, the arbitrator's decision will be considered final.**
- If a timely motion for trial de novo is not filed, the arbitrator's decision will be unsealed by the Court and such orders and judgments as may be required to carry out the terms of the decision will be entered.
- **If a timely motion for trial de novo is filed, depending upon the outcome of said trial, costs may be assessed against the moving party (see § 44.103(6), Florida Statutes). Examples of said costs include arbitration costs, court costs, reasonable attorney's fees, and other reasonable costs such as investigation expenses, and expenses for expert or other testimony incurred after the arbitration hearing and continuing through the trial.**

Date

Arbitrator

Copies furnished:



REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Contact Court Administration, 101 N. Alabama Ave., DeLand, FL 32724, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing or voice impaired, call 711.

THESE ARE NOT COURT INFORMATION NUMBERS



SOLICITUD DE ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

Si usted es una persona con discapacidad que necesita una adaptación para poder participar en este procedimiento, usted tiene el derecho a que se le proporcione cierta asistencia, sin incurrir en gastos. Comuníquese con la Oficina de Administración Judicial (Court Administration), 101 N. Alabama Ave., DeLand, FL 32724, (386) 257-6096, con no menos de 7 días de antelación de su cita de comparecencia ante el juez, o de inmediato al recibir esta notificación si la cita de comparecencia está dentro de un plazo menos de 7 días; si usted tiene una discapacidad del habla o del oído, llame al 711.

ESTOS NUMEROS TELEFONICOS NO SON PARA OBTENER INFORMACION JUDICIAL