

**By** Senator Berman

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30 clerk of the court within a specified timeframe;  
31 providing construction and applicability; providing  
32 for compensation of a voluntary trial resolution judge  
33 according to certain terms and conditions; requiring  
34 that a contract for the services of a voluntary trial  
35 resolution judge provide for payment of such  
36 compensation; authorizing the presiding judge to  
37 enforce the terms of a written agreement or  
38 stipulation and retain jurisdiction in certain  
39 circumstances; requiring the presiding judge to retain  
40 jurisdiction for a specified purpose; requiring the  
41 clerk of the court to treat cases referred to  
42 voluntary trial resolution in a specified manner;  
43 requiring the chief judge or his or her designee to  
44 make available public facilities and personnel in  
45 proceedings assigned to a voluntary trial judge in a  
46 specified manner; requiring the chief judge and the  
47 clerk to coordinate the provision of jurors with a  
48 voluntary trial resolution judge for certain  
49 proceedings; authorizing the parties to agree to use  
50 certain facilities for specified matters; specifying  
51 that the parties are responsible for certain costs;  
52 providing the scope of judicial functions of a  
53 voluntary trial resolution judge; providing an  
54 exception; requiring the presiding judge to maintain  
55 jurisdiction to perform specified judicial functions;  
56 requiring a voluntary trial resolution judge to  
57 conduct proceedings under specified rules of court;  
58 providing that the Florida Evidence code applies to

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59 proceedings governed by the act; requiring that  
60 voluntary trial resolution proceedings be noticed and  
61 open to the public; providing for judicial review;  
62 providing that a specified doctrine applies in such  
63 review; providing applicability; amending s. 44.107,  
64 F.S.; conforming provisions to changes made by the  
65 act; providing an effective date.

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67 Be It Enacted by the Legislature of the State of Florida:

68

69 Section 1. Section 44.104, Florida Statutes, is amended to  
70 read:

71 (Substantial rewording of section. See  
72 s. 44.104, F.S., for present text.)

73 44.104 Voluntary trial resolution.—

74 (1) As used in this section, the term "presiding judge"  
75 means the judge assigned to the case.

76 (2) (a) The parties to a civil case, a family law case, or a  
77 probate case may by written agreement or stipulation agree to  
78 the appointment of an individual to serve as a voluntary trial  
79 resolution judge to adjudicate all of the remaining issues in  
80 the case, subject to the exceptions set forth in subsection  
81 (12).

82 (b) To be eligible to be appointed to serve as a voluntary  
83 trial resolution judge, the individual selected by the parties  
84 must be a member of The Florida Bar in good standing for longer  
85 than 5 years.

86 (c) Any time after an action is filed, the parties may file  
87 a written agreement or stipulation to appoint a voluntary trial

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88 resolution judge with the clerk of the court in which the action  
89 is pending and may file a joint motion requesting appointment of  
90 a voluntary trial resolution judge, selecting the individual  
91 whom the parties wish to have appointed. The joint motion must  
92 be accompanied by a form signed by the selected voluntary trial  
93 resolution judge consenting to the appointment. The parties  
94 shall promptly serve a copy of the joint motion and form on the  
95 presiding judge.

96 (d) Within 10 days after the submission of the request for  
97 appointment of a voluntary trial resolution judge, the presiding  
98 judge shall enter an order appointing the voluntary trial  
99 resolution judge selected by the parties. The order designating  
100 the voluntary trial resolution judge must be signed by the  
101 presiding judge, refer to the parties' written agreement or  
102 stipulation, and provide that the voluntary trial resolution  
103 judge be compensated by the parties in accordance with the terms  
104 of the parties' agreement or stipulation.

105 (e) A voluntary trial resolution judge appointed under this  
106 subsection shall take and subscribe to an oath of office,  
107 swearing or affirming that he or she has read and will conform  
108 with Canons 1, 2A, and 3, and any other provisions of the  
109 Florida Code of Judicial Conduct which might reasonably be  
110 applicable depending on the nature of the judicial function  
111 performed, except for provisions relating to disqualification  
112 and recusal which are provided for in subsection (3).

113 (f) Upon appointment by the presiding judge, a voluntary  
114 trial resolution judge shall adjudicate the case until the case  
115 is finally determined by adjudication, including posttrial  
116 motions and requests for attorney fees, dismissal, or other

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117 final disposition, unless disqualification or recusal is  
118 required pursuant to subsection (3).

119 (g) If a voluntary trial resolution judge appointed under  
120 this subsection cannot serve in that capacity for any reason,  
121 absent further agreement or stipulation by the parties to  
122 appoint another individual to serve as voluntary trial  
123 resolution judge, the case must be returned to the presiding  
124 judge.

125 (3) Where circumstances exist that require disqualification  
126 of a judge under Canon 3E of the Florida Code of Judicial  
127 Conduct, a voluntary trial resolution judge must immediately  
128 disclose, on the record, to the parties the grounds for  
129 disqualification. The parties may waive the disqualification by  
130 filling a written waiver with the clerk of the court within 10  
131 days after such disclosure. This subsection does not limit the  
132 authority of a voluntary trial resolution judge to enter an  
133 order of recusal. Sections 38.02 and 38.10 and Florida Rules of  
134 General Practice and Judicial Administration 2.330 apply to any  
135 motion to disqualify a voluntary trial resolution judge. In the  
136 event of recusal, or if a motion to disqualify a voluntary trial  
137 resolution judge is granted, the case must be returned to the  
138 presiding judge.

139 (4) A voluntary trial resolution judge shall be compensated  
140 by the parties in such amount, and subject to such terms and  
141 conditions, as provided by the parties in a written agreement or  
142 stipulation. A contract for the services of a voluntary trial  
143 resolution judge must provide for payment of compensation by the  
144 parties to the voluntary trial judge. The presiding judge may  
145 enforce the terms of a written agreement or stipulation against

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146 the parties, and shall retain jurisdiction to enforce such  
147 agreement or stipulation after entry of any judgment therefrom.

148       (5) The clerk of the court shall treat cases referred to  
149 voluntary trial resolution the same as any other comparable  
150 action, except that the clerk of court shall keep separate the  
151 records of the applications for voluntary trial resolution from  
152 all other comparable actions. The chief judge or his or her  
153 designee shall, upon request of the parties, make available  
154 public facilities and personnel in proceedings assigned to a  
155 voluntary trial judge to the same extent as for other comparable  
156 matters not assigned to a voluntary trial judge. For proceedings  
157 requiring a jury to be empaneled, the chief judge and the clerk  
158 of the court shall coordinate the provision of jurors with the  
159 voluntary trial resolution judge. For all other proceedings, the  
160 parties may agree to use facilities other than circuit or county  
161 court facilities. The parties are responsible for any  
162 compensation to personnel and any costs in relation to the case,  
163 including, but not limited to, the costs associated with the use  
164 of such facilities and any materials that are not provided by  
165 the court.

166       (6) A voluntary trial resolution judge shall perform all  
167 judicial functions from the time of appointment by the presiding  
168 judge until the case is finally determined by adjudication,  
169 including posttrial motions and requests for attorney fees,  
170 dismissal, or other final disposition, except for the  
171 disposition of a request that a party be held in contempt and  
172 the entry of an order with respect to any nonparty to the case.  
173 The presiding judge shall maintain jurisdiction to exercise  
174 contempt power and to enforce a subpoena issued to any nonparty

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175 to the case. The presiding judge shall have exclusive  
176 jurisdiction over enforcement of any judgment and any  
177 supplementary proceedings filed in the same action.

178 (7) A voluntary trial resolution judge shall conduct  
179 proceedings under this section pursuant to the Florida Rules of  
180 Civil Procedure, the Family Law Rules of Procedure, or the  
181 Probate Rules, as applicable.

182 (8) The Florida Evidence Code applies to all proceedings  
183 under this section.

184 (9) Voluntary trial resolution proceedings shall be noticed  
185 and open to the public to the same extent as if such proceedings  
186 were before the presiding judge.

187 (10) A party may seek review of a nonfinal order or a final  
188 judgment rendered by a voluntary trial resolution judge in the  
189 same manner as a nonfinal order or a final judgment rendered by  
190 the presiding judge. The harmless error doctrine applies in any  
191 such review. A party may not seek to have an order or ruling of  
192 a voluntary trial judge reviewed, modified, or overturned by the  
193 presiding judge during the voluntary trial resolution judge's  
194 appointment.

195 (11) Except as provided in subsection (12), voluntary trial  
196 resolution is available in all civil, family, and probate cases.

197 (12) This section does not apply to any dispute involving  
198 the constitutionality of a statute; child custody, visitation,  
199 or child support; or to any dispute involving the rights of a  
200 third party who is not a party to the voluntary trial resolution  
201 proceedings when the third party would be an indispensable party  
202 if the dispute were resolved in court or when the third party  
203 notifies the voluntary trial resolution judge that the third

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204 party would be a proper party if the dispute were resolved in  
205 court, that the third party intends to intervene in the action,  
206 and that the third party does not agree to proceed under this  
207 section.

208 Section 2. Subsection (1) of section 44.107, Florida  
209 Statutes, is amended to read:

210 44.107 Immunity for arbitrators, voluntary trial resolution  
211 judges, mediators, and mediator trainees.—

212 (1) Arbitrators serving under s. 44.103, voluntary trial  
213 resolution judges serving under or s. 44.104, mediators serving  
214 under s. 44.102, and trainees fulfilling the mentorship  
215 requirements for certification by the Supreme Court as a  
216 mediator shall have judicial immunity in the same manner and to  
217 the same extent as a judge.

218 Section 3. This act shall take effect July 1, 2026.