

HB 965

2026

A bill to be entitled
An act relating to voluntary trial resolution;
amending s. 44.104, F.S.; defining the term "presiding
judge"; authorizing parties to civil cases, family law
cases, or probate cases to agree or stipulate to the
appointment of a voluntary trial resolution judge;
providing eligibility requirements; authorizing the
parties to file such agreement or stipulation with the
clerk of the court any time after the action is filed
and a joint motion requesting such appointment;
requiring the joint motion to be accompanied by a
certain form; requiring the parties to promptly serve
a copy of the joint motion and form on the presiding
judge; requiring the presiding judge to enter a
specified order within a certain time period;
requiring an appointed voluntary trial resolution
judge to take and subscribe to a specified oath;
providing an exception; requiring a voluntary trial
resolution judge to adjudicate a case until a
specified finality occurs in the case; requiring the
case to be returned to the presiding judge under
certain circumstances; requiring immediate disclosure
by a voluntary trial resolution judge to the parties
of circumstances requiring disqualification;
authorizing waiver of disqualification; providing

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26 construction and applicability; providing compensation
27 of a voluntary trial resolution judge; requiring the
28 presiding judge to retain jurisdiction for a specified
29 purpose; requiring the clerk of the court to treat
30 cases referred to voluntary trial resolution in a
31 specified manner; requiring the chief judge or his or
32 her designee to make available public facilities and
33 personnel in proceedings assigned to a voluntary trial
34 judge in a specified manner; requiring the chief judge
35 and the clerk to coordinate the provision of jurors
36 with a voluntary trial resolution judge for certain
37 actions; authorizing the parties to agree to use
38 certain facilities for other specified matters;
39 providing the parties are responsible for specified
40 costs; providing the scope of judicial functions of a
41 voluntary trial resolution judge; requiring the
42 presiding judge to maintain jurisdiction to perform
43 certain judicial functions; requiring a voluntary
44 trial resolution judge to conduct proceedings under
45 specified rules of court; requiring voluntary trial
46 resolution proceedings to be noticed and open to the
47 public; providing judicial review; providing
48 applicability; amending s. 44.107, F.S.; conforming
49 provisions to changes made by the act; providing an
50 effective date.

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CODING: Words **stricken** are deletions; words underlined are additions.

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51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 **Section 1. Section 44.104, Florida Statutes, is amended to**
55 **read:**

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

58 44.104 Voluntary trial resolution.—

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

61 (2) (a) The parties to a civil case, a family law case, or
62 a probate case may by written agreement or stipulation agree to
63 the appointment of an individual to serve as a voluntary trial
64 resolution judge to adjudicate all of the remaining issues in
65 the case, subject to the exceptions set forth in subsection
66 (11).

67 (b) To be eligible to be appointed and serve as a
68 voluntary trial resolution judge, the individual selected by the
69 parties must be a member of The Florida Bar in good standing for
70 more than 5 years.

71 (c) Any time after an action is filed, the parties may
72 file a written agreement or stipulation to appoint a voluntary
73 trial resolution judge with the clerk of the court in which the
74 action is pending and a joint motion requesting appointment of a
75 voluntary trial resolution judge, selecting the individual whom

76 the parties wish to have appointed. The joint motion shall be
77 accompanied by a form signed by the selected voluntary trial
78 resolution judge consenting to the appointment. The parties
79 shall promptly serve a copy of the joint motion and form on the
80 presiding judge.

81 (d) Within 10 days after the submission of the request for
82 appointment of a voluntary trial resolution judge, the presiding
83 judge shall enter an order appointing the voluntary trial
84 resolution judge selected by the parties. The order designating
85 the voluntary trial resolution judge shall be signed by the
86 presiding judge, refer to the parties' written agreement or
87 stipulation, and provide that the voluntary trial resolution
88 judge shall be compensated by the parties in accordance with the
89 terms of the parties' agreement or stipulation.

90 (e) A voluntary trial resolution judge appointed under
91 this subsection must take and subscribe to an oath of office,
92 swearing or affirming that he or she has read and will conform
93 with Canons 1, 2A, and 3, and any other provisions of the
94 Florida Code of Judicial Conduct that might reasonably be
95 applicable depending on the nature of the judicial function
96 performed, except for provisions relating to disqualification
97 and recusal which is provided for in subsection (3).

98 (f) Upon appointment by the presiding judge, a voluntary
99 trial resolution judge shall adjudicate the case until the case
100 is finally determined by adjudication, including posttrial

101 motions and requests for attorney fees, dismissal, or other
102 final disposition, unless disqualification or recusal is
103 required pursuant to subsection (3).

104 (g) If a voluntary trial resolution judge appointed under
105 this subsection cannot serve in that capacity for any reason,
106 absent further agreement or stipulation by the parties to
107 appoint another individual to serve as voluntary trial
108 resolution judge, the case shall be returned to the presiding
109 judge.

110 (3) Where circumstances exist that require
111 disqualification of a judge under Canon 3E of the Florida Code
112 of Judicial Conduct, a voluntary trial resolution judge shall
113 immediately disclose to the parties on the record the grounds
114 for disqualification. The parties may waive the disqualification
115 by filing a written waiver with the clerk of the court within 10
116 days of such disclosure. This subsection does not limit the
117 authority of a voluntary trial resolution judge to enter an
118 order of recusal. Sections 38.02 and 38.10 and Florida Rules of
119 General Practice and Judicial Administration 2.330 apply to any
120 motion to disqualify a voluntary trial resolution judge. In the
121 event of recusal, or if a motion to disqualify a voluntary trial
122 resolution judge is granted, the case shall be returned to the
123 presiding judge.

124 (4) A voluntary trial resolution judge shall be
125 compensated by the parties in such amount, and subject to such

126 terms and conditions, as provided by the parties in a written
127 agreement or stipulation. A contract for the services of a
128 voluntary trial judge must provide for payment of compensation
129 by the parties to the voluntary trial judge. The presiding judge
130 may enforce the terms of a written agreement or stipulation
131 against the parties, and shall retain jurisdiction to enforce
132 such agreement or stipulation after entry of any judgment
133 therefrom.

134 (5) The clerk of the court shall treat cases referred to
135 voluntary trial resolution the same as any other comparable
136 action, except that the clerk of court shall keep separate the
137 records of the applications for voluntary trial resolution from
138 all other comparable actions. The chief judge, or his or her
139 designee, shall, upon request of the parties, make available
140 public facilities and personnel in proceedings assigned to a
141 voluntary trial judge to the same extent as for other comparable
142 matters not assigned to a voluntary trial judge. For jury
143 matters, the chief judge and the clerk of the court shall
144 coordinate the provision of jurors with the voluntary trial
145 resolution judge. For all other matters, the parties may agree
146 to use facilities other than facilities for circuit and county
147 courts. The parties are responsible for any compensation to
148 personnel and any costs in relation to the case, including, but
149 not limited to, the costs associated with the use of such
150 facilities and any materials that are not provided by the court.

151 (6) A voluntary trial resolution judge shall perform all
152 judicial functions from appointment by the presiding judge until
153 the case is finally determined by adjudication, including
154 posttrial motions and requests for attorney fees, dismissal, or
155 other final disposition, except for the disposition of a request
156 that a party be held in contempt and the entry of an order with
157 respect to any nonparty to the case. The presiding judge shall
158 maintain jurisdiction to exercise contempt power and to enforce
159 a subpoena issued to any nonparty to the case. The presiding
160 judge shall have exclusive jurisdiction over enforcement of any
161 judgment and any proceedings supplementary filed in the same
162 action.

163 (7) A voluntary trial resolution judge shall conduct
164 proceedings under this section pursuant to the Florida Rules of
165 Civil Procedure, the Family Law Rules of Procedure, or the
166 Probate Rules, as applicable.

167 (8) The Florida Evidence Code applies to all proceedings
168 under this section.

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

172 (10) A party may seek review of a nonfinal order or a
173 final judgment rendered by a voluntary trial resolution judge in
174 the same manner as a nonfinal order or a final judgment rendered
175 by the presiding judge. The harmless error doctrine applies in

176 any such review. A party may not seek to have an order or ruling
177 of a voluntary trial judge reviewed, modified, or overturned by
178 the presiding judge during the voluntary trial resolution
179 judge's appointment.

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

183 (12) This section does not apply to any dispute involving
184 the constitutionality of a statute, child custody, visitation,
185 or child support, or to any dispute involving the rights of a
186 third party who is not a party to the voluntary trial resolution
187 proceedings when the third party would be an indispensable party
188 if the dispute were resolved in court or when the third party
189 notifies the voluntary trial resolution judge that the third
190 party would be a proper party if the dispute were resolved in
191 court, that the third party intends to intervene in the action,
192 and that the third party does not agree to proceed under this
193 section.

194 **Section 2. Subsection (1) of section 44.107, Florida**
195 **Statutes, is amended to read:**

196 44.107 Immunity for arbitrators, voluntary trial
197 resolution judges, mediators, and mediator trainees.—

198 (1) Arbitrators serving under s. 44.103, voluntary trial
199 resolution judges serving under or s. 44.104, mediators serving
200 under s. 44.102, and trainees fulfilling the mentorship

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201 requirements for certification by the Supreme Court as a
202 mediator shall have judicial immunity in the same manner and to
203 the same extent as a judge.

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