

1                   A bill to be entitled  
2     An act relating to voluntary trial resolution;  
3     amending s. 44.104, F.S.; defining the term "presiding  
4     judge"; authorizing parties to civil cases, family law  
5     cases, or probate cases to agree or stipulate to the  
6     appointment of a voluntary trial resolution judge;  
7     providing eligibility requirements; authorizing the  
8     parties to file such agreement or stipulation with the  
9     clerk of the court any time after the action is filed  
10    and a joint motion requesting such appointment;  
11    requiring the joint motion to be accompanied by a  
12    certain form; requiring the parties to promptly serve  
13    a copy of the joint motion and form on the presiding  
14    judge; requiring the presiding judge to enter a  
15    specified order within a certain time period;  
16    requiring an appointed voluntary trial resolution  
17    judge to take and subscribe to a specified oath;  
18    providing an exception; requiring a voluntary trial  
19    resolution judge to adjudicate a case until a  
20    specified finality occurs in the case; requiring the  
21    case to be returned to the presiding judge under  
22    certain circumstances; requiring immediate disclosure  
23    by a voluntary trial resolution judge to the parties  
24    of circumstances requiring disqualification;  
25    authorizing waiver of disqualification; providing

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.

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

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

(Substantial rewording of section. See  
s. 44.104, F.S., for present text.)  
44.104 Voluntary trial resolution.—

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

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

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

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



HB 965

2026

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.