Supreme Court of Florida

No. SC2026-0040

IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL PROCEDURE 1.820.

November 12, 2026

PER CURIAM.

The Florida Bar's Civil Procedure Rules Committee filed a report proposing amendments to Florida Rule of Civil Procedure 1.820 (Hearing Procedures for Non-Binding Arbitration).[1] We published the proposed amendments for comment in *The Florida Bar News*. Four comments were received, and the Committee filed a response. Having considered the Committee's report, the comments filed, the response to the comments, and oral argument, we amend rule 1.820 as proposed by the Committee with some minor modifications. We discuss the more significant rule amendments below.

1. We have jurisdiction. *See* art. V, § 2(a), Fla. Const.; *see also* Fla. R. Gen. Prac. & Jud. Admin. 2.140(b).

We amend subdivision (g)(3) to remove the requirement that an arbitration decision and the originals of any accompanying transcripts be filed under seal with the clerk. An arbitrator will now file a notice of service of the arbitration decision indicating that the arbitration decision has been served on the parties. The arbitration decision must be filed with the court later, either under newly numbered subdivision (h)(3) by the party entitled to a judgment if no requests for trial de novo are filed, or under new subdivision (i) (Time to File the Arbitration Decision After Entry of Judgment) by the party seeking to enforce the provisions of section 44.103, Florida Statutes, after a trial de novo.

We also amend newly numbered subdivision (h)(1) to more closely align with section 44.103(5), Florida Statutes. Under the amended rule, a party will need only to file a timely request for trial de novo to reject an arbitration decision and proceed to a trial. However, we decline to amend the rule to require that a timely request for trial de novo be "construed so as to do substantial justice." The inclusion of such language could create needless uncertainty and additional litigation.

Accordingly, the Florida Rules of Civil Procedure are amended as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments become effective immediately.

It is so ordered.

COURIEL, C.J., and LABARGA, MUÑIZ, GROSSHANS, FRANCIS, BARRIOS, and TANENBAUM, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Civil Procedure

Thomas Edward Bishop, Chair, Civil Procedure Rules Committee, Jacksonville, Florida, Maegen Peek Luka, Past Co-Chair, Civil Procedure Rules Committee, Tampa, Florida, Rebecca Mercier Vargas, Past Co-Chair, Civil Procedure Rules Committee, Palm Beach Gardens, Florida; and Joshua E. Doyle, Executive Director, and Heather Savage Telfer, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

Raoul G. Cantero of White & Case LLP, Miami, Florida; Honorable Cymonie S. Rowe, Chair, Committee on Alternative Dispute Resolution Rules and Policy, West Palm Beach, Florida, Honorable Michael S. Orfinger, Past Chair, Committee on Alternative Dispute Resolution Rules and Policy, DeLand, Florida, and Thomas A. David, Chief, Alternative Dispute Resolution, Tallahassee, Florida, on behalf of the Committee on Alternative Dispute Resolution Rules and Policy; Craig L. Berman of the Berman Law Firm, P.A., St. Petersburg, Florida; Shari Judith Elessar, Chair, Alternative Dispute Resolution Section of The Florida Bar, Royal Palm Beach, Florida, Natalie Paskiewicz, Past Chair, Alternative Dispute

Resolution Section of The Florida Bar, St. Petersburg, Florida, Joel Martin McTague, Deputy Chair, Arbitration Committee, Alternative Dispute Resolution Section of The Florida Bar, Plantation, Florida, and Meah Rothman Tell, Executive Council Member, Alternative Dispute Resolution Section of The Florida Bar, Tamarac, Florida, on behalf of the Executive Council of the Alternative Dispute Resolution Section of The Florida Bar,

Responding with comments

APPENDIX

RULE 1.820. HEARING PROCEDURES FOR NON-BINDING ARBITRATION

(a) – (f) [No Change]

(g) Completion of the Arbitration Process.

(1) – (2) [No Change]

(3) Within 10 days of the final adjournment of the arbitration hearing, the arbitrator(s) ~~shall~~must notify the parties, in writing, of the~~ir~~ arbitration decision. The arbitration decision may set forth the issues in controversy, ~~and the arbitrator('s)(s')~~ conclusions, and findings of fact and law. ~~The arbitrator('s)(s') decision and the originals of any transcripts shall be sealed and filed with the clerk at the time the parties are notified of the decision.~~The arbitrator must file a notice of service of the arbitration decision. The arbitration decision must be filed under either subdivision (h)(3) or subdivision (i).

(4) [No Change]

(h) ~~Notice of Rejection of the Arbitration Decision and~~ Request for Trial.

(1) To reject the arbitration decision, within 20 days of service of the ~~arbitrator('s)(s') written~~ decision, a~~ny~~ party must file a ~~notice of rejection of the arbitration decision and~~ request for trial de novo~~in the same document. No action or inaction by any party, other than the filing of the notice, will be deemed a rejection of the arbitration decision.~~

(2) If a ~~notice of rejection of the arbitration decision and~~ request for trial de novo is filed by any party, any party having a third-party claim at issue at the time of arbitration may file a ~~notice of rejection of the arbitration decision and~~ request for trial de novo within 10 days of service of the first ~~notice of rejection of the arbitration decision and~~ request for trial de novo.

(3) If a ~~notice of rejection of the arbitration decision and~~ request for trial de novo is not made within 20 days of service on the parties of the decision, a party entitled to judgment must file the arbitration decision.

(4) T~~t~~he filed arbitration decision must be referred to the presiding judge, who must enter such orders and judgments as may be required to carry out the terms of the decision as provided by section 44.103(5), Florida Statutes.

(i) Time to File the Arbitration Decision After Entry of Judgment.

(1) If a request for trial de novo is filed within 20 days of the service of the arbitration decision, the arbitration decision must not be filed until necessary to enforce the provisions of section 44.103, Florida Statutes, after the entry of judgment.

(2) Within 30 days of the entry of judgment, any party entitled to a judgment must file and serve the arbitration decision for the presiding judge to enter any orders and final judgments.

Committee Notes

[No Change]