

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 965](#)

TITLE: Voluntary Trial Resolution

SPONSOR(S): Partington

COMPANION BILL: [SB 1424](#) (Berman)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Civil Justice & Claims](#)

15 Y, 0 N, As CS



[Judiciary](#)

SUMMARY

Effect of the Bill:

Consistent with the recommendations of a Florida Bar Business Law Section task force, CS/HB 965 modifies Florida's voluntary binding arbitration and voluntary trial resolution law, currently codified in s. 44.104, F.S., which law, generally speaking, allows the parties to certain civil disputes to hire private arbitrators or voluntary trial resolution judges ("VTR judges") to resolve their disputes. In doing so, the bill amends s. 44.104, F.S., to remove provisions pertaining to voluntary trial resolution, leaving therein only those provisions pertaining to voluntary binding arbitration. The bill then creates s. 44.1045, F.S., to separately address and substantially revise provisions pertaining to voluntary trial resolution, including provisions governing:

- Disputes eligible for voluntary trial resolution.
- The filing of an agreement for or stipulation to the appointment of a VTR judge.
- The manner in which the clerk of the court must treat cases referred for voluntary trial resolution.
- VTR judge eligibility, appointment, compensation, disqualification, recusal, authority, and immunity.
- Dispute adjudication, including the resources available to the parties participating in voluntary trial resolution and the application of specified rules of procedure and evidence to such proceedings.
- Appeals of nonfinal orders and final judgments issued by a VTR judge.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on the state court system and an indeterminate economic impact on the private sector.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

Consistent with the recommendation of a [Florida Bar Business Law Section task force](#), CS/HB 965 modifies Florida's [voluntary binding arbitration and voluntary trial resolution law](#), currently codified in s. 44.104, F.S. Firstly, the bill amends s. 44.104, F.S., to remove provisions pertaining to voluntary trial resolution, leaving therein only those provisions pertaining to voluntary binding arbitration. Practically speaking, the bill thus leaves the voluntary arbitration provisions, which provisions were largely [superseded](#) by other law in 2013, as they are in current law. (Section [1](#)) The bill then creates s. 44.1045, F.S., to separately address and substantially revise provisions pertaining to voluntary trial resolution, which provisions are discussed below. (Section [2](#))

Application and Effect

The bill expressly provides that the parties to a civil case, a [family law](#) case, or a [probate](#) case generally may, by written agreement or stipulation, agree to the appointment of an individual to serve as a voluntary trial resolution judge ("VTR judge") to adjudicate all of the remaining issues in the case. Under the bill, any time after an action is filed, the parties to an eligible case may file a written agreement or stipulation to appoint a VTR judge with the clerk of the court in which the action is pending. The bill then directs the clerk of the court to treat cases referred

STORAGE NAME: h0965a.CIV

DATE: 2/18/2026

for voluntary trial resolution the same as any other comparable action, except that, under the bill, the clerk of the court must keep the records of the voluntary trial resolution applications separate from all other comparable actions. Further, the chief judge, or his or her designee, must, upon request of the parties, make available public facilities and personnel in proceedings assigned to a VTR judge to the same extent as for other comparable matters not assigned to such a judge, and for jury matters, the chief judge and the clerk of the court must coordinate the provision of jurors with the VTR judge. For all other matters, the parties may agree to use facilities other than facilities for circuit and county courts, but the parties are then responsible for any compensation to personnel and any costs in relation to the case, including, but not limited to, the costs associated with the use of such facilities and any materials not provided by the court. (Section [2](#))

However, the bill specifies that voluntary trial resolution is not available in a dispute involving any of the following:

- A statute’s constitutionality.
- Child custody, visitation, or child support.
- The rights of a third party who is not a party to the voluntary trial resolution proceedings when the third party would be an indispensable party if the dispute were resolved in court or when the third party notifies the VTR judge that the third party:
 - Would be a proper party if the dispute were resolved in court;
 - Intends to intervene in the action; and
 - Does not agree to proceed with voluntary trial resolution. (Section [2](#))

Appointments

The bill provides that, any time after an action is filed, the parties may file a joint motion requesting appointment of a VTR judge, selecting the individual whom the parties wish the court to appoint. The joint motion must be accompanied by a form signed by the selected VTR judge consenting to the appointment; however, to be eligible to be appointed and serve as a VTR judge, the selected individual must be a member of the [Florida Bar](#) in good standing for more than five years. (Section [2](#))

In any event, the parties must promptly serve a copy of the joint motion and form on the “presiding judge,” which term the bill defines to mean the judge assigned to the case. Within ten days after the submission of a request for appointment of a VTR judge, the presiding judge must enter an order appointing the VTR judge selected by the parties; such order must be signed by the presiding judge, refer to the parties’ written agreement or stipulation, and provide that the VTR judge must be compensated by the parties in accordance with the terms of the parties’ agreement or stipulation. (Section [2](#))

Further, a VTR judge appointed as such must take and subscribe to an oath of office, swearing or affirming that he or she has read and will conform with [Florida Code of Judicial Conduct](#) Canons [2](#), [2A](#), and [3](#), and any other Code provisions which might reasonably apply depending on the nature of the judicial function performed, except as modified in the section of law created by the bill. If a VTR judge cannot serve in that capacity for any reason, absent further agreement or stipulation by the parties to appoint another individual to serve as VTR judge, the case must be returned to the presiding judge. (Section [2](#))

Disqualification and Recusal

Under the bill, where circumstances exist that require disqualification of a judge under Florida Code of Judicial Conduct [Canon 3E](#), a VTR judge must immediately disclose to the parties on the record the grounds for disqualification; however, the parties may waive the disqualification by filing a written waiver with the clerk of the court within ten days after such disclosure. The bill further specifies that the authority of a VTR judge to enter an order of recusal is not limited, and that [s. 38.02, F.S.](#) (pertaining to [suggestions of disqualification](#)), [s. 38.10, F.S.](#) (pertaining to [disqualification of judge for prejudice](#)), and [Rule 2.330](#) of the [Florida Rules of General Practice and Judicial Administration](#) apply to any motion to disqualify a VTR judge. In the event of a recusal, or if a motion to disqualify a VTR judge is granted, the case must be returned to the presiding judge. (Section [2](#))

Compensation

The bill requires that a VTR judge be compensated by the parties in such amount, and subject to such terms and conditions, as provided by the parties in a written agreement or stipulation, and that a contract for the VTR judge's services must provide for payment of compensation by the parties to the VTR judge. The presiding judge may enforce the terms of a written agreement or stipulation against the parties, and must retain jurisdiction to enforce such agreement or stipulation after entry of any judgment therefrom. (Section [2](#))

Adjudication

The bill provides that, upon appointment by a presiding judge, a VTR judge must adjudicate the case until the case is finally determined by adjudication, including posttrial motions and requests for attorney fees, dismissal, or other final disposition, unless disqualification or recusal is required under the law governing voluntary trial resolution. A VTR judge must conduct such proceedings pursuant to the [Florida Rules of Civil Procedure](#), the [Family Law Rules of Procedure](#), or the [Probate Rules](#), as applicable, and the bill specifies that the [Florida Evidence Code](#) also applies to all such proceedings. Furthermore, voluntary trial resolution proceedings must be noticed and open to the public to the same extent as if such proceedings were before the presiding judge. (Section [2](#))

Authority

The bill requires a VTR judge to perform all judicial functions from the time of appointment by the presiding judge until the case is finally determined by adjudication, except for the disposition of a request that a party be held in [contempt](#) and the entry of an order with respect to any nonparty to the case. Under the bill, the presiding judge must:

- Maintain jurisdiction to exercise contempt power and to enforce a subpoena issued to a nonparty to the case;
- Enter the final judgment prepared by the VTR judge; and
- Have exclusive jurisdiction over enforcement of any judgment and any supplementary proceedings filed in the same action. (Section [2](#))

Appeals

The bill specifies that, upon entry of a final judgment by a presiding judge, a party may appeal to the appropriate appellate court in the same manner and to the same extent as any other proceeding before the court, and that the [harmless error doctrine](#) applies in any such review. However, the bill specifies that a party may not seek to have an order or ruling of a VTR judge reviewed, modified, or overturned by the presiding judge during the VTR judge's appointment. (Section [2](#))

Immunity

The bill provides that VTR judges will have judicial [immunity](#) in the same manner and to the same extent as a judge. (Section [3](#))

Effective date

The bill provides an effective date of July 1, 2026. (Section [4](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have a fiscal impact on the state court system. Whether such impact is positive or negative, or if there is even such an impact at all, depends upon whether and to what extent an increase in the use of VTR judges by

Florida litigants due to changes made by the bill impacts the caseload of presiding judges or the resources of the state court system.

PRIVATE SECTOR:

The bill may have an economic impact on the private sector, which impact will be positive to the extent that the bill expedites the resolution of certain civil cases filed in the state court system.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Voluntary Binding Arbitration and Voluntary Trial Resolution Law](#)

Application and Effect

Under [s. 44.104, F.S.](#), two or more opposing parties in a “civil dispute”¹ may generally agree in writing, either before or after a lawsuit is filed, to submit the dispute to voluntary binding arbitration,² or voluntary trial resolution, in lieu of litigating the issues involved in the dispute.³ Applications for voluntary binding arbitration or voluntary trial resolution must be filed and fees paid to the clerk of court as if for complaints initiating civil actions; the clerk of the court must then handle and account for these matters in all respect as if they were civil actions, except that the clerk must keep separate the records of such applications from all other civil actions.⁴ Furthermore, the filing of an application for binding arbitration or voluntary trial resolution tolls the running of the applicable statutes of limitation.⁵

However, neither voluntary binding arbitration nor voluntary trial resolution is available in a dispute involving any of the following:

- Constitutional issues.⁶
- Child custody, visitation, or child support.⁷
- The rights of a third party not a party to the arbitration or voluntary trial resolution when the third party would be an indispensable party if the dispute were resolved in court or when the third party notifies the chief arbitrator or the voluntary trial resolution judge (“VTR judge”) that the third party:
 - Would be a proper party if the dispute were resolved in court;
 - Intends to intervene in the action in court; and
 - Does not agree to proceed with either voluntary binding arbitration or voluntary trial resolution.⁸

Appointments

Within ten days after the submission of a request for binding arbitration, or for voluntary trial resolution, the court must provide for the appointment of the arbitrators, or a VTR judge, as applicable.⁹ If the parties have entered into

¹ [S. 44.104, F.S.](#), does not define “civil dispute,” but exclusions identified therein suggest that the term may include certain [family law](#) proceedings – that is the body of law governing proceedings surrounding domestic or family relationships, including divorce, time-sharing, child and spousal support, adoption, paternity, and guardianship. It is unclear whether the term also includes [probate](#) proceedings – that is, the court-supervised process for identifying and gathering the assets of a deceased person (“decendent”), paying the decendent’s debts, and distributing the decendent’s assets to his or her beneficiaries. Florida State University College of Law Research Center, *Florida Family Law Research: Introduction*, <https://guides.law.fsu.edu/floridafamily> (last visited Feb. 16, 2026); the Florida Bar, *Consumer Pamphlet: Probate in Florida*, <https://www.floridabar.org/public/consumer/pamphlet026/> (last visited Feb. 18, 2026).

² In 2013, the Revised Arbitration Code, codified in [Ch. 682, F.S.](#), [superseded](#) the provisions in [s. 44.104, F.S.](#), pertaining to voluntary binding arbitration. Ch. 2013-232.

³ [S. 44.104\(1\), F.S.](#)

⁴ [S. 44.104\(5\), F.S.](#)

⁵ [S. 44.104\(6\), F.S.](#)

⁶ [S. 44.104\(1\), F.S.](#)

⁷ [S. 44.104\(14\), F.S.](#)

⁸ *Id.*

⁹ [S. 44.104\(4\), F.S.](#)

a voluntary binding arbitration agreement which provides for a method of appointing one or more arbitrators, or into a voluntary trial resolution agreement which provides a method for appointing a member of the [Florida Bar](#)¹⁰ in good standing for more than five years to act as a VTR judge, the court must proceed with the appointment as prescribed; however, in voluntary binding arbitration, at least one of the arbitrators must meet the qualifications and training requirements adopted pursuant to [s. 44.106, F.S.](#)¹¹ In the absence of such an agreement, or if the agreement method fails or for any reason cannot be followed, the court, on a party's application, must appoint one or more qualified arbitrators, or a VTR judge, as applicable.¹²

Compensation

The parties must compensate the arbitrators or the VTR judge in accordance with their agreement.¹³ However, Florida law does not specify that such an agreement must provide for compensation.¹⁴

Adjudication

Once appointed, the arbitrators or VTR judge must notify the parties of the time and place of the hearing, which hearing, if a binding arbitration hearing, must be conducted by all the arbitrators; however, a majority of the arbitrators may determine any question and render a final decision.¹⁵ A VTR judge conducting a voluntary trial resolution hearing may also determine any question and render a final decision.¹⁶ In either case, the Florida Evidence Code applies to all such proceedings.¹⁷

Authority

The chief arbitrator or VTR judge may administer oaths or affirmations and conduct the proceedings as the rules of court provide; further, at the request of a party, the chief arbitrator or VTR judge must issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and may apply to the court for orders compelling attendance and production.¹⁸ Subpoenas so issued must be served and are enforceable in the manner provided by law.¹⁹ However, [s. 44.104, F.S.](#), does not address whether the court retains [contempt](#)²⁰ powers.

Appeals

An appeal of a voluntary binding arbitration decision must be taken to the circuit court and is limited to review on the record of:

- Any alleged failure of the arbitrators to comply with the applicable rules of procedure or evidence;
- Any alleged partiality or misconduct by an arbitrator prejudicing the rights of any party; and

¹⁰ The Florida Bar, an arm of the Florida Supreme Court, is an organization of which all lawyers licensed by the Florida Supreme Court to practice law in Florida are mandatory members. The Florida Bar's core functions include regulating the practice of law in Florida, ensuring the highest standards of legal professionalism in Florida, and prosecuting the unlicensed practice of law. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Feb. 18, 2026).

¹¹ [S. 44.104\(2\), F.S.](#)

¹² *Id.*

¹³ [S. 44.104\(3\), F.S.](#)

¹⁴ *Id.*

¹⁵ [S. 44.104\(3\) and \(8\), F.S.](#)

¹⁶ [S. 44.104\(8\), F.S.](#)

¹⁷ [S. 44.104\(9\), F.S.](#)

¹⁸ [S. 44.104\(7\), F.S.](#)

¹⁹ *Id.*

²⁰ "Contempt" means a refusal to obey any legal order, mandate, or decree, made or given by any judge relative to any of the court's business, after due notice thereof. Contempt may be civil – that is, meant to compel compliance and, thus, punishable only so long as the contemnor refuses to perform the action required by the court – or criminal – that is, meant to punish misconduct, not compel compliance. [S. 38.23, F.S.](#); Legal Information Institute, *Contempt of Court, Civil*, https://www.law.cornell.edu/wex/contempt_of_court_civil (last visited Feb. 18, 2026); Legal Information Institute, *Contempt of Court, Criminal*, https://www.law.cornell.edu/wex/contempt_of_court_criminal (last visited Feb. 18, 2026).

- Whether the decision reaches a result contrary to the State or Federal Constitutions.²¹

Meanwhile, any party may enforce a final decision rendered in a voluntary trial by filing a petition for final judgment in the circuit court in the circuit in which the voluntary trial occurred.²² Upon the circuit court's entry of a final judgment, any party may appeal to the appropriate appellate court, but factual findings determined in the voluntary trial are not subject to appeal.²³

In any case, the [harmless error doctrine](#)²⁴ applies in all appeals, and no further review is allowed unless a constitutional issue is raised.²⁵ If no appeal is taken within the time provided by Florida Supreme Court rule, then the decision must be referred to the presiding judge in the case, or if one has not been assigned, to the chief judge of the circuit for assignment to a circuit judge, who must enter such orders and judgments as are required to carry out the decision's terms, which orders are enforceable by the court's contempt powers and for which judgment execution shall issue on request of a party.²⁶

Immunity

Florida law provides that arbitrators serving under [s. 44.104, F.S.](#), have judicial immunity in the same manner and to the same extent as a judge – that is, [immunity](#) from liability for all judicial actions where there is not clear absence of all jurisdiction.²⁷ However, Florida law provides no similar immunity for a VTR judge, although such a judge could presumably negotiate for such immunity in his or her contract with the parties to the dispute over which he or she will preside.

Florida Bar Business Law Section Task Force

In 2024, the Florida Bar's Business Law Section formed a task force to review [s. 44.104, F.S.](#) ("task force").²⁸ At the conclusion of such review, the task force determined that, though Florida is one of 30 states authorizing some form of private judges to resolve civil disputes, and Florida's law has been in place for over 25 years, litigants rarely use Florida's law to expedite the resolution of their cases; this is because, opined the task force's chair, the law is "...not widely known as an option for litigants, and... not a model of clarity."²⁹ Further, the task force found that procedures for voluntary trial resolutions vary by venue; noted one task force member, "there were voluntary trial resolutions [occurring] in several different jurisdictions in Florida, and [the procedures are] different in each one, because the clerks have varying levels of knowledge of what to do when a case is referred."³⁰

Concluded the task force in a White Paper issued at the finish of its review, anecdotal evidence "strongly suggests" that ambiguities in Florida law and "differences, perceived or actual, in procedure and remedies between proceedings before a court and a [VTR] judge have caused many attorneys to be reluctant to use [VTR] judges..."³¹ The task force ultimately proposed a substantial rewrite to [s. 44.104, F.S.](#), to eliminate provisions pertaining to

²¹ [S. 44.104\(10\), F.S.](#)

²² [S. 44.104\(11\), F.S.](#)

²³ *Id.*

²⁴ Under the "harmless error doctrine," an appellate court will affirm the decision of the lower court if the appellate court finds that such decision was not damaging enough to the appealing party's right to a fair trial to justify reversing the decision, or to warrant a new trial. Harmless errors include technical errors that have no bearing on the trial's outcome and an error that was corrected. Legal Information Institute, *Harmless Error*, https://www.law.cornell.edu/wex/harmless_error (last visited Feb. 18, 2026).

²⁵ [S. 44.104\(12\), F.S.](#)

²⁶ [S. 44.104\(13\), F.S.](#)

²⁷ [S. 44.107, F.S.](#)

²⁸ Florida Bar Business Law Section, White Paper Concerning Proposed Amendments to F.S. §44.104 Concerning Voluntary Trial Resolution (Aug. 23, 2024), <https://flabizlaw.org/wp-content/uploads/2025/09/44.104-Task-Force-White-Paper-8.23.24.pdf> (last visited Feb. 18, 2026); Jim Ash, Legislation Seeks to Clarify, Expand Florida's Voluntary Trial Resolution Process, The Florida Bar News (Jan. 15, 2026), <https://www.floridabar.org/the-florida-bar-news/legislation-seeks-to-clarify-expand-floridas-voluntary-trial-resolution-process/> (last visited Feb. 18, 2026).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

voluntary binding arbitration (which provisions were superseded by other law in 2013) and to clarify procedures pertaining to the use of VTR judges in Florida. Such proposal is now before the Legislature as 2026 HB 965 and 2026 SB 1424.

Judicial Branch of Government

The State Constitution vests judicial power in the Florida Supreme Court, district courts of appeal, circuit courts, and county courts, and charges the Florida Supreme Court with adopting rules for the practice and procedure in all courts, which rules may be repealed by general law enacted by a two-thirds vote of the membership of each house of the Legislature.³² In the exercise of its jurisdiction, the Florida Supreme Court has adopted a Florida Code of Judicial Conduct, Florida Rules of Court Procedure, and (to a certain degree) the Florida Evidence Code, discussed in greater detail below.

Florida Code of Judicial Conduct

Consisting of broad statements known as Canons, the Florida Code of Judicial Conduct establishes mandatory ethical standards and principles for judges and judicial candidates to ensure integrity, independence, and impartiality amongst members of the judiciary.³³ Generally speaking, the Canons of the Code are as follows:³⁴

- Canon 1: A judge shall uphold the integrity and independence of the judiciary.
- Canon 2: A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.³⁵
- Canon 3: A judge shall perform the duties of judicial office impartially and diligently.³⁶
- Canon 4: A judge is encouraged to engage in activities to improve the law, the legal system, and the administration of justice.
- Canon 5: A judge shall regulate extrajudicial activities to minimize the risk of conflict with judicial duties.
- Canon 6: Fiscal matters of a judge shall be conducted in a manner that does not give the appearance of influence or impropriety; a judge shall regularly file public reports as required by the State Constitution and shall publicly report gifts, expense reimbursements and payments, and waivers of fees or charges;

³² [Art. V, ss. 1 and 2, Fla. Const.](#)

³³ The Florida Code of Judicial Conduct, <https://fcourts-media.flcourts.gov/content/download/402388/file/Florida%20Code%20of%20Judicial%20Conduct.pdf> (last visited Feb. 16, 2026).

³⁴ *Id.*

³⁵ Canon 2A: A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

³⁶ Canon 3E: A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including, but not limited to instances where the:

- Judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding.
- Judge served as a lawyer or was the lower court judge in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it.
- Judge knows that he or she individually or as a fiduciary, or the judge's spouse, parent, or child wherever residing, or any other member of the judge's family residing in the judge's household has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis interest that could be substantially affected by the proceeding.
- Judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
 - Is a party to the proceeding, or an officer, director, or trustee of a party;
 - Is acting as a lawyer in the proceeding;
 - Is known by the judge to have more than de minimis interest that could be substantially affected by the proceeding; or
 - Is to the judge's knowledge likely to be a material witness in the proceeding.
- Judge's spouse or a person within the third degree of relationship to the judge participated as a lower court judge in a decision to be reviewed by the judge.
- Judge, while a judge or a candidate for judicial office, has made a public statement that commits, or appears to commit, the judge with respect to:
 - Parties or classes of parties in the proceeding;
 - An issue in the proceeding; or
 - The controversy in the proceeding.

additional financial information must be filed with the Judicial Qualifications Commission³⁷ to ensure full financial disclosure.

- Canon 7: A judge or candidate for judicial office must refrain from inappropriate political activity.

³⁷ The Judicial Qualifications Commission is an independent state agency charged with investigating allegations of judicial misconduct and disability against judges in the state court system. Florida Judicial Qualifications Commission, *Home*, <https://floridajqc.com/> (last visited Feb. 18, 2026).

Florida Court Rules

The Florida Court Rules consist of twelve chapters establishing various rules of general civil, criminal, and juvenile procedure; rules governing court administration and operation; and rules applicable to specific types of proceedings, include probate, guardianship, and family law proceedings.³⁸ These Rules include:

- The [Florida Rules of General Practice and Judicial Administration](#), governing the administrative procedures, operation, and management of all Florida courts.³⁹ Such rules include [Rule 2.330](#), pertaining to the disqualification of trial judges.⁴⁰ Under this Rule, any party may move to disqualify the judge assigned to the case on grounds provided by rule, statute,⁴¹ Code of Judicial Conduct, or general law, and in accordance with the procedural provisions of the Rule; however, the Rule applies only to county and circuit judges in all matters in all divisions of court when acting alone as the sole judicial officer in a trial or appellate proceeding and does not apply to justices, appellate-level judges, or county and circuit court judges sitting on a multi-judge appellate panel.⁴² Further, the Rule requires that a motion to disqualify must meet specified content requirements and be filed with the clerk and served on the subject judge.⁴³
- The [Florida Rules of Civil Procedure](#), governing all actions of a civil nature and special statutory proceedings in the circuit and county courts except those to which specialized rules of procedure apply.⁴⁴
- The [Florida Probate Rules](#), governing all probate and guardianship proceedings.⁴⁵
- The [Florida Family Law Rules of Procedure](#), governing all family law proceedings.⁴⁶

Florida Evidence Code

The Florida Evidence Code, codified in [Ch. 90, F.S.](#), governs the admissibility of evidence in the state court system. Though the Florida Evidence Code is a creature of legislative enactment, the Florida Supreme Court voluntarily adopted the Code as a rule of evidence in 1979; since then, the Court has often adopted subsequent legislative amendments to the Code, although it is not required to do so.⁴⁷

³⁸ The Florida Rules of Court Procedure, <https://www.floridabar.org/rules/ctproc/> (last visited Feb. 18, 2026).

³⁹ The Florida Rules of General Practice and Judicial Administration, https://www-media.floridabar.org/uploads/2026/01/2026_07-JAN-Florida-Rules-of-General-Practice-and-Judicial-Administration-1-1-2026-2.pdf (last visited Feb. 18, 2026).

⁴⁰ *Id.*

⁴¹ [S. 38.02](#), F.S. and [s. 38.10, F.S.](#), relate to the filing of [suggestions of disqualification](#) on grounds similar to those in Canon 3E of the Florida Code of Judicial Conduct and to the [disqualification of a judge for prejudice](#), respectively.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ The Florida Rules of Civil Procedure, <https://www-media.floridabar.org/uploads/2025/12/Civil-Procedure-Rules-01-01-26.pdf> (last visited Feb. 18, 2026).

⁴⁵ The Florida Probate Rules, <https://www-media.floridabar.org/uploads/2026/01/Probate-Rules-01-01-26.pdf> (last visited Feb. 16, 2026).

⁴⁶ The Florida Family Law Rules of Procedure, https://www-media.floridabar.org/uploads/2025/09/2026_04-OCT-Family-Law-Rules-of-Procedure-10-1-2025.pdf (last visited Feb. 18, 2026).

⁴⁷ *In re Florida Evidence Code*, 372 So. 2d 1369 (Fla. 1979).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee	15 Y, 0 N, As CS	2/18/2026	Jones	Mawn
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Restored the provisions pertaining to voluntary binding arbitration to current law, and moved the revised provisions pertaining to voluntary trial resolution to a new section of law created by the bill. • Required the presiding judge to enter the final judgment in a case heard by a VTR judge and specified that, upon entry of such a judgment, a party to the case may appeal to the appropriate appellate court in the same manner and to the same extent as any other proceeding before the court. • Made technical changes. 			
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
