

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2008-164  
(Supersedes Administrative Order S-1999-006)**

**MEDIATION OF COUNTY CIVIL CASES**

Chapter 44, Florida Statutes, and Florida Rule of Civil Procedure 1.700 provide for court-ordered mediation of contested civil actions, except those matters expressly excluded by rule or law. The County Civil Diversion Program has been established as a court program under Mediation and Diversion Services to implement an equitable and expeditious alternative dispute resolution process for county civil cases. It is necessary for the proper and efficient administration of justice in the County Civil Division to update procedures for the mediation of county civil cases through the County Civil Diversion Program.

By the power vested in me under Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

**1. Court Referral of County Civil Cases to Mediation**

All issues in county civil cases may be referred to mediation by the presiding judge unless excluded by statute or court rule. All court-ordered referrals will be made through the County Civil Diversion Program (“Program”). Matters referred to the Program will be handled by Florida Supreme Court certified county court mediators. See Florida Rule for Certified and Court-Appointed Mediators 10.100 for certifications requirements.

An Order Referring Parties to County Civil Mediation (“Order of Referral”) will be prepared by the court. Upon execution of the Order of Referral, the court will notify the Program of the case and forward the case file and the original Order of Referral to the Program. The Program will provide the Clerk of the Circuit Court, County Civil Division (“clerk”) with the original Order of Referral and mail copies of the Order of Referral to each party or party’s counsel of record.

**2. Selection of Mediators and Scheduling**

Upon receipt of an Order of Referral to the Program, program staff will assign a certified mediator and will arrange the mediation conference date and time. If the parties wish to select a private mediator to handle their mediation conference they must contact the Program within 10 days from the date of the Order of Referral and provide the Program with the name of the mediator and the date and time of the mediation conference.

**3. Deferment**

Within 15 days of the Order of Referral, any party may file a motion to defer the mediation conference. The moving party will use best efforts to set the motion to defer for hearing prior to the scheduled date for the mediation conference. If a hearing on the motion to defer cannot be set prior to the mediation conference date the moving party will, more

than 48 hours before the originally scheduled mediation conference, take necessary steps to reschedule the mediation conference. Failure to comply with this time standard may result in the imposition of monetary sanctions as determined by the court. Notice of the hearing on the motion to defer will be provided to all parties, the Program, and the appointed mediator. The court will forward to the Program a copy of any order granting a deferment of the mediation conference. If a deferment has been granted, the order will include the actual period of deferral and another mediation conference will be scheduled.

**4. Rescheduling or Cancellation Prior to Mediation**

The parties or their counsel must notify the Program of any rescheduling no later than 48 hours, excluding weekends and legal holidays, before the scheduled mediation conference. The petitioner, or if petitioner is represented by counsel, petitioner's counsel must notify the Program in writing if the mediation conference must be cancelled because a settlement has been reached or the case has been dismissed more than 48 hours prior to the scheduled mediation conference.

**5. Disqualification or Withdrawal of Mediator**

A party may move at any time to disqualify a mediator. The court will forward to the Program a copy of any order disqualifying a mediator. If a mediator has been disqualified or has withdrawn, a new mediator will be assigned by the Program. Rescheduling may be necessary to accommodate the substitute mediator.

**6. Mediation Conference**

The mediator will be in control of the mediation conference at all times. If a resolution is imminent or likely, the mediator may, at his or her discretion and with the agreement of the parties, schedule another mediation conference. The mediator will then arrange a date and time for the subsequent mediation conference with the parties and notify the Program. The Program will prepare a notice of additional mediation conference and provide a copy to each party. Upon completion of mediation, the mediator will return a completed Outcome of Service form to the Program office within 48 hours of the mediation conference.

**7. Report to the Court**

The Program will submit to the court a report stating whether or not the parties appeared for the mediation conference, and whether or not any agreement was reached.

**8. Agreements**

Agreements reached during the mediation conference will be memorialized, completed and submitted in accordance with Florida Civil Rule of Procedure 1.730(b).

**9. Fees**

Fees for court-ordered mediations will be assessed and collected in accordance with section 44.108, Florida Statutes. If payment of any fee owed is not made by the time of the scheduled mediation conference, the mediation conference will not take place. Payment may be by check (payable to the "Clerk of the Circuit Court"), money order, cash or credit card

(Visa / MasterCard / Discover). Credit card payments cannot be made over the phone.

If a party fails to appear at a scheduled mediation conference, or fails to make payment by the time of the mediation conference, or fails to provide at least 24 hours prior written notice to the Program of the cancellation of a mediation conference, the party will be billed for the cancelled mediation conference.

**10. Invoicing**

The Program will be responsible for generating invoices for all parties participating in the mediation conference. An invoice for payment will outline each party's portion of the mediation cost. The clerk will accept payment, on behalf of the Program, of the amount due from the parties; however, the clerk will accept payment only in the amount specified on the invoice for payment. All payments made to the clerk will be accompanied by the invoice for payment.

**11. Statistical Data**

All parties ordered by the court to mediation will provide data as requested by the Program for statistical purposes. The data will remain confidential to the extent that any data published will contain no identify information.

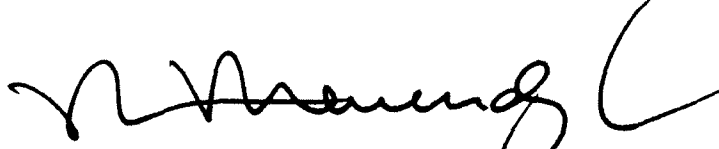
**12. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-1999-006 (*In Re: General Procedures for County Civil Cases Court-Ordered to Mediation*).

**13. Effective Date**

This administrative order is effective January 1, 2009.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 3RD day of December, 2008.



Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court  
Copies to: All County Civil Court Judges  
Mediation & Diversion Services