

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

Plaintiff(s),

Case No.: _____

v.

Division: _____

Defendant(s).

_____ /

UNIFORM ORDER OF REFERRAL TO FORECLOSURE MEDIATION
(Effective August 1, 2022)

Under Chapter 44 of the Florida Statutes and Rules 1.700-1.730 of the Rules of Civil Procedure, the court finds that the above styled cause is appropriate for mediation and the case is hereby referred to the Hillsborough County Bar Foundation Residential Mortgage Foreclosure Mediation Program (“RMFM Program”) for mediation in accordance with the provisions outlined below.

1. Within 10 days from the date of this Uniform Order of Referral to Foreclosure Mediation (“Order of Referral”) the plaintiff must:

A. Provide to the RMFM Program payment in the amount of \$750 for mediation services to be provided by the RMFM Program. Mediation services will include maintaining a web-enabled information platform, the coordination of the collection and exchange of financial documents, coordinating and scheduling one mediation conference, providing mediation facilities, assignment of a mediator and other related administrative tasks associated with the mediation conference. In the event additional mediation conferences are required, the plaintiff will be required to pay a fee of \$375 per additional mediation conference;

B. Fully and accurately complete a Plaintiff’s Certification Form which must be electronically transmitted to the RMFM Program and the original filed with the Clerk of the Circuit Court (“Clerk”); and

C. Fully and accurately complete a Contact Information Form which must be electronically transmitted to the RMFM Program. Complete and accurate contact information must be provided, to include at a minimum, the last known mailing address and telephone number for the borrower(s). The plaintiff’s counsel must verify that the mailing address and telephone number for the borrower(s) is correct. The Program Manager is not required to contact the borrower(s) until such information is received and the RMFM Program time frames will be held in abeyance until complete and accurate contact information is provided. The Program Manager will notify plaintiff’s counsel of any incomplete or seemingly inaccurate information and plaintiff’s counsel will provide correct information promptly. Failure of the plaintiff’s counsel to provide accurate and complete information, including but not limited to, all parties’ names, all parties’ addresses and all parties’ telephone numbers, may result in court sanctions, including but not limited to, dismissal of the case.

The Plaintiff's Certification Form and the Contact Information Form may be accessed on the RMFM Program's website at www.hillsbarfoundation.com and on the Thirteenth Judicial Circuit's webpage at www.fljud13.org/Forms.aspx.

2. Within 15 days from the date of this Order of Referral the borrower may submit to the RMFM Program a Borrower's Request for Plaintiff's Disclosure for Mediation Form. The Borrower's Request for Plaintiff's Disclosure for Mediation Form may be accessed on the RMFM Program's website at www.hillsbarfoundation.com and on the Thirteenth Judicial Circuit's webpage at www.fljud13.org/Forms.aspx.

3. At least 30 days prior to a scheduled mediation conference the borrower should provide to the RMFM Program a completed Borrower's Financial Disclosure for Mediation Form and any additional documentation that was requested by the plaintiff in its Plaintiff's Certification Form. If the borrower is seeking an alternative workout option such as a short sale or deed in lieu of foreclosure, the borrower should also provide a completed Borrower's Financial Disclosure for Mediation – Short Sale Form or Borrower's Financial Disclosure for Mediation – Deed in Lieu of Foreclosure Form, or both, as applicable. A Borrower's Financial Disclosure for Mediation – Short Sale Form and Borrower's Financial Disclosure for Mediation – Deed in Lieu of Foreclosure Form may be accessed on the RMFM Program's website at www.hillsbarfoundation.com and on the Thirteenth Judicial Circuit's webpage at www.fljud13.org/Forms.aspx.

4. At least 15 days prior to the scheduled mediation conference the plaintiff must review all of the documents and other information submitted by the borrower and determine if the plaintiff needs additional documentation or information from the borrower. If the plaintiff requires additional documentation or information from the borrower, or if any of the originally requested documentation or information was not received, or if documents received were completed incorrectly, not fully completed, or if any of the documents or information needs to be updated, the plaintiff must advise the borrower and the RMFM Program by filing and serving an Amended Plaintiff's Certification Form at least 15 days prior to the scheduled mediation conference.

5. At least 10 days prior to the scheduled mediation conference the plaintiff must provide to the RMFM Program the information requested in the Borrower's Request for Plaintiff's Disclosure for Mediation.

6. At least 10 days prior to the scheduled mediation conference, all parties will file with the clerk, and electronically transmit to the RMFM Program, a notice identifying the person or persons who will be attending the mediation conference as the party representative and confirm that those persons have the authority to settle required in Rule 1.720(b) of the Rules of Civil Procedure.

7. The plaintiff, its attorney, the borrower and her or his attorney, if any, must appear at the mediation conference. Under Rule of Civil Procedure 1.720(b), a party is deemed to appear at a mediation conference if the party, or its authorized representative, is present with full authority to settle without further consultation. A corporate party must send a corporate representative, other than the attorney, with full authority to settle the case. A corporate plaintiff may appear telephonically and will be responsible for calling into the mediation at the designated start time. Legal counsel for the plaintiff is required to appear in person. The requirement to have an authorized representative with full authority to settle applies whether the authorized representative appears in person or by telephone.

8. A mediation conference in this cause will be held within 60 days of the date of this Order of Referral.

9. Within 10 days of the completed mediation conference, the RMFM Program will file with the clerk, on behalf of the mediator, a Mediation Report Form. The Mediation Report may be accessed on the RMFM Program's website at www.hillsbarfoundation.com and on the Thirteenth Judicial Circuit's webpage at www.fljud13.org/Forms.aspx.

10. The RMFM Program, for good cause, has the authority to extend or shorten the time frames contained in this Order of Referral.

11. All information required to be provided under this Order of Referral to the RMFM Program must be transmitted electronically to the RMFM Program via its web-enabled information platform. The RMFM Program is responsible for facilitating the exchange of information between the plaintiff and the borrower required by this Order of Referral.

12. Written notice to the RMFM Program of any change or cancellation of the scheduled mediation conference must be given at least five days prior to the scheduled mediation conference. The failure to provide timely notice of the cancellation of a scheduled mediation conference will result in the RMFM Program retaining the full mediation services fee. If the parties desire to reschedule a cancelled mediation which was not timely cancelled the party responsible for cancelling the original scheduled mediation conference will pay an additional \$375 rescheduling fee to the RMFM Program unless the Court orders otherwise or the RMFM Program agrees to waive the rescheduling fee. The RMFM Program has the discretion not to reschedule a mediation conference until the rescheduling fee is paid.

13. If at any time after commencement of mediation services by the RMFM Program one or both of the parties (i) fails to comply with the provisions of this order (ii) fails to make themselves available for mediation in a timely manner, or (iii) cancels a mediation conference at least five days prior to the scheduled mediation conference date and refuses to reschedule the conference for any reason whatsoever, the RMFM Program will retain the full mediation services fee as payment for the mediation services previously rendered.

14. If the plaintiff or the borrower fails to comply with the provisions of this Order of Referral, the RMFM Program will file a Notice of Noncompliance.

15. The parties may opt-out of mediation through the RMFM Program by mutually agreeing upon the designation of a private certified foreclosure mediator of their choice within 10 days of the date of this Order of Referral. If the parties agree on a private certified foreclosure mediator, the plaintiff's counsel within 10 days of the date of this Order of Referral must:

A. File with the clerk a Notice of Stipulation of Private Certified Foreclosure Mediator signed by all parties. The notice must identify the name, address and telephone number of the agreed upon private certified foreclosure mediator and provide the date and time for the scheduled mediation conference;

B. Serve the Notice of Stipulation of Private Certified Foreclosure Mediator on all parties; and

C. Provide an electronic copy of the Notice of Stipulation of Private Certified Foreclosure Mediator to the RMFM Program by uploading the notice to the RMFM Program's web-enabled information platform.

A private certified foreclosure mediator selected by agreement of the parties under this section will be deemed designated as mediator in the case without further order of the court. However, a plaintiff's counsel's failure to timely comply with the all of the opt-out conditions in this section above will result in the case remaining for mediation through the RMFM Program.

The designated private certified foreclosure mediator must be a Supreme Court certified circuit civil mediator who is specially trained in mortgage foreclosure cases. A designated private certified foreclosure mediator must comply with the timelines and exchange of information and documentation outlined by this Order of Referral and is encouraged to facilitate the exchange of information and documentation electronically.

16. The parties must comply with this uniform order and the mediation process must be completed before the plaintiff applies for a default judgment, a summary judgment hearing, or a final hearing in an action to foreclosure the property unless a Notice of Borrower Non-Compliance or a Mediation Report are filed by the Program Manager.

17. If any of the parties fails to comply with the obligations set forth herein to ensure that mediation is accomplished expeditiously, the court may, on its own motion or on motion of any party, dismiss the case, strike pleadings, enter default, remove the case from the summary judgment or trial calendar, or impose any other sanctions that it may deem appropriate under the circumstances.

DONE AND ORDERED at Tampa, Hillsborough County, Florida, this _____ day of _____, 20_____.

CIRCUIT COURT JUDGE

Copies furnished to: