

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

\_\_\_\_\_,  
Petitioner

Case No: \_\_\_\_\_

vs

Division: \_\_\_\_\_

\_\_\_\_\_,  
Respondent

**UNIFORM ORDER REFERRING PARTIES TO FAMILY MEDIATION**

This cause comes before the Court on its own motion. Upon review of the file, the Court finds that it is appropriate to order the parties to mediation.

**At least ten (10) days before the mediation, the parties must exchange the following:**

1. Financial Affidavits
2. Mandatory Disclosure
3. Proposed Parenting Plans (if the case involves minor children)
4. Proposed Equitable Distribution worksheets (if the case involves a request for equitable distribution of marital assets and debts).
5. If this case involves a claim for alimony, the party seeking alimony must disclose in writing the forms, amount, and duration of the requested alimony as well as the detailed factual basis for the amount requested.

**FAILURE TO COMPLY MAY RESULT IN SANCTIONS, including but not limited to attorney's fees for the cost of the mediation, payment of the full cost of the mediation, and a second mediation, if required.**

Accordingly, it is hereby

ORDERED and ADJUDGED that:

1. The parties are ordered to attend mediation pursuant to Chapter 44, Florida Statutes and Rule 12.740, Florida Family Law Rules of Procedure. The parties must mediate all issues raised in the pleadings.

2. The parties shall conduct the mediation through the following:

\_\_\_\_ Mediation and Diversion Services \_\_\_\_\_ Private mediator

If neither of the above is selected, the parties may conduct mediation through either Mediation and Diversion Services if the parties are eligible or an agreed upon private mediator.

3. Scheduling Mediation:

a) If the parties are ordered to Mediation and Diversion Services, or if the parties select Mediation and Diversion Services under paragraph 2 above, the parties shall schedule mediation within ten (10) days of the date of this Order. Mediation and Diversion Services will prepare and file the Notice of Scheduled Mediation. The contact information for Mediation & Diversion Services is as follows:

Mediation & Diversion Services  
800 E Twiggs Street, Room 208  
Tampa, FL 33602  
Phone: 813-272-5642  
E-mail: [mediation@fljud13.org](mailto:mediation@fljud13.org)

b) In the event the parties select or are ordered to use a private mediator, the parties shall select the mediator within ten (10) days of the date of this Order. Once the mediator is selected the parties shall jointly schedule a date and time for the mediation conference with the mediator, and either the parties or the mediator shall file a Notice of Mediation.

4. Unless otherwise ordered by the Court upon good cause shown, the mediation conference must occur within ninety (90) days of the date of this Order.

5. If Mediation and Diversion Services is selected to conduct the mediation, then it is the responsibility of the party that filed the pending petition to (a) contact the program office to schedule the appointment, and (b) request that a Notice of Mediation Conference be issued.

6. If Mediation and Diversion Services is not notified within ten (10) days of the date of this Order, an outcome form will be filed with the clerk indicating the parties did not contact the program office.

7. The parties and their counsel may appear in any format allowed or required by either Mediation & Diversion Services or the selected private mediator.

8. If the case is settled or dismissed before the mediation that is scheduled pursuant to this Order, the party that filed the pending petition is responsible for promptly notifying Mediation and Diversion Services or the selected private mediator by e-mail, copied to all parties, including of the disposition of the case.

9. In cases scheduled with Mediation and Diversion Services, all correspondence related to mediation of this case shall be submitted to Mediation and Diversion Services.

10. Failure to comply with the terms of this Order may subject the case to involuntarily dismissal by the Court, entry of a default judgment, or other sanctions deemed appropriate and available under the law.

11. Pursuant to Section 44.102(2)(c), Florida Statutes and Fam. Law. R. Proc. 12.740(c)(1), the Court will not require mediation in any case where it finds that there has been a history of domestic violence that would compromise the mediation process. Accordingly, if this case involves a history of domestic violence, then the party alleging the existence of a domestic violence history is ordered to notify Mediation & Diversion Services within ten (10) days of the date of this Order so that a determination can be made regarding the suitability of the case for mediation.

12. To the extent that any prior Order regarding mediation conflicts with this Order, such prior Order is superseded by this Order.

13. The cost of mediation will be allocated as follows:

(a) When Family Mediation and Diversion is selected, each party shall be assessed a fee based upon the total gross annual income of the parties. If the total gross income for the parties together is \$50,000 or less, each party shall pay a mediation fee of \$60.00. If the total gross income for the parties exceeds \$50,000, each party shall pay a mediation fee of \$120.00. If a party does not furnish proof of income, a fee of \$120.00 will be charged to each party.

Payment for the mediation should be made by the date of the mediation. Payment may be by check (payable to the order of the "Clerk of the Circuit Court"), cashier's check, money order, cash or credit card (Visa/MasterCard/Discover). Mailed payments shall be sent to the address listed above in paragraph 3. Credit card payments cannot be made over the telephone.

**IF A PARTY FAILS TO APPEAR AT A SCHEDULED MEDIATION, FAILS TO MAKE PAYMENT BY THE TIME OF THE MEDIATION, OR FAILS TO GIVE AT LEAST 24 HOURS PRIOR WRITTEN NOTICE (NOT COUNTING WEEKENDS OR COURT HOLIDAYS) TO FAMILY MEDIATION AND DIVERSION OF CANCELLATION OF A MEDIATION SESSION, THE PARTY WILL BE BILLED FOR THE CANCELLED MEDIATION. THE COURT HAS DISCRETION TO WITHHOLD THE ENTRY OF A FINAL JUDGMENT UNTIL THE MEDIATION FEE IS PAID.**

(b) When a private certified mediator is selected, each party shall pay an equal share of the cost of the mediation conference, unless determined otherwise by the court. If the mediation conference lasts one hour or less, there shall be a one-hour minimum charge assessed pro rata among the parties. Each party shall remit payment in full to the private mediator at the end of each conference or time required by the private mediator.

(c) Failure to pay a private mediator's fee for which a party is liable may subject that party to sanctions, including payment of the full cost of mediation, attorney's fees for the mediation, and possible entry of a dismissal or judicial default.

14) Mediation may not be unilaterally cancelled by either party. Mediation may only be cancelled on written agreement of the parties for the cancellation of mediation, dismissal of the case, or by further order of the court. If the Court grants leave to reschedule a mediation conference, then the party that moved the Court for leave to reschedule must take the lead and coordinate a rescheduled date and time with the mediator and the opposing party. Mediation and Diversion Services will prepare and file notices of rescheduled mediation only for mediations scheduled with them. If a private mediator is selected, a notice of rescheduled mediation must be filed either by the mediator or the parties. If the mediation is cancelled on agreement, the Petitioner must coordinate and reschedule the mediation conference.

15) After Mediation:

- a) NON-ATTORNEY CASES: Upon completion of mediation, pre-judgment cases with no attorneys involved will be set for a case management conference by the assigned case manager. In post-judgment cases with no attorneys involved, parties should contact the judicial assistant for the assigned judge to schedule a case management conference.
- b) CASES WITH ATTORNEY(S): In cases involving at least one attorney, either party may coordinate with the opposing party/counsel to schedule a case management conference. In the event a party sends possible dates for the case management conference to opposing party/counsel and receives no response within 5 business days, the party may consider all the offered dates and times acceptable and may unilaterally schedule the case management conference on one of the days and times offered. The party scheduling the hearing shall be responsible for filing the notice of hearing and serving it on opposing party/counsel.

16. Other:

\_\_\_\_\_

\_\_\_\_\_ below \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ATTENTION: If you are a person with a disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St. Room 604, Tampa, FL, 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 1-800-955-8770.

Done and ordered in Hillsborough County, Tampa, Florida on the date included in the signature block below.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

Copies to: