

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

Plaintiff,

vs.

CASE NO.:

DIVISION: B

Defendants.

ORDER REFERRING PARTIES TO MEDIATION OF
CIRCUIT CIVIL ACTION

It appearing on the pleadings that the above-captioned case is a contested civil action which is appropriate for mediation; it is hereby,

ORDERED that the parties are referred to mandatory mediation for resolution of this case, pursuant to Section 44.102, Florida Statutes (2005).

MOREOVER,

1. The parties shall have ten (10) days from the date of this order to choose and agree upon a mediator and schedule a date and time for a mediation conference with said mediator. **Plaintiff's counsel shall prepare the notice to include the proposed date, time and location of the mediation and provide a copy to the mediator and the parties. The original notice shall be mailed to the Clerk of Circuit Court.** Pursuant to Rule 1.700, the conference must be held within sixty (60) days of the date of referral unless an extension is granted by the court.

An updated list of certified mediators available in the 13th Circuit can be obtained via Website: www.flcourts.org - click on Alternative Dispute Resolution/Mediation and then Mediator Search.

2. a) If within 10 days of the date of this order the parties have not chosen a mediator, date and time of mediation, Plaintiffs counsel shall notify the Circuit Civil Diversion Program in writing (Fax (813) 301-3706) that the Program select the mediator, date and time of the mediation.

b) Parties shall be limited to one (1) rescheduling without the presiding judge's approval. Thereafter, a hearing must be held to reschedule a conference. Furthermore, the parties shall coordinate any rescheduled date between themselves and the designated mediator and notify Circuit Civil Diversion of same prior to the removal of the original date and time scheduled. Failure to comply with the foregoing may constitute a nonappearance and subject the parties to sanctions for untimely cancellation as provided in paragraph 7 below.

3. a) If Plaintiff's Representative is more than 25 miles from the proposed location of the Mediation or outside of this circuit, attendance by telephone shall be permitted. However, Plaintiff's counsel shall appear in person.

b) In the case of a government entity or public corporation, a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision making body of the entity must attend the mediation conference.

c) If insurance is involved in the action, the insurance carrier shall send a company representative who has **full and absolute authority** to resolve the matter without further consultation.

4. Pursuant to Rule 1.720(d), Florida Rules of Civil Procedure, the mediator shall at all times be in control of the mediation and the procedures to be followed in the mediation. The participants to the mediation conference should be prepared to spend as much time as is reasonably necessary to settle the case or until the mediator declares an impasse and adjourns the conference.

5. All parties are ordered to complete such discovery as they deem sufficient for the settlement of the case prior to the mediation conference.

6. Plaintiff, or his counsel of record, must notify the Circuit Civil Diversion Program, in writing, of a settlement or dismissal of this action, other than a settlement arrived at during a court-ordered mediation conference, whether it occurs prior or subsequent to the mediation proceedings. **The Program and the Mediator must be notified of any reschedule/cancellation.** In the event the mediation conference is rescheduled/canceled at one party's request or settled less than 48 hours prior to the conference, weekends and holidays excluded, the responsible party(s) may be assessed a minimum of one hour of the mediation fee.

Each party shall pay an equal share of the cost of the mediation, to be assessed at the rate of \$125.00 per hour for Court-Certified mediators (unless stipulated in writing to a higher rate by parties). If the mediation conference is less than one hour, there may be a one-hour minimum charge assessed pro rata. **At the conclusion of each mediation session held pursuant to this order, each party shall remit payment in full. (Mediator fees are made payable to the Mediator.) FAILURE TO MAKE TIMELY PAYMENT MAY RESULT IN AN ORDER TO SHOW CAUSE AS TO WHY THE COURT SHOULD NOT ASSESS SANCTIONS AGAINST THE PLAINTIFF.**

Failure of any party to comply with the terms of this Order may result in involuntary dismissal, default judgment, or other appropriate sanctions as provided by the Florida Rules of Civil Procedure.

All correspondence, motions and orders related to mediation of this case shall be submitted to:

CIRCUIT CIVIL DIVERSION PROGRAM
George Edgecomb Courthouse
800 E. Twiggs Street Room 208
Tampa, Florida 33602
(813) 272-5642
FAX (813) 301-3706

It is further **ORDERED AND ADJUDGED:**

That any orders in conflict herewith pertaining to Arbitration or Mediation are hereby superseded by this order.

DONE AND ORDERED in Chambers in Tampa, Florida this _____ day
of _____, 20____.

CIRCUIT JUDGE

Original: Clerk of the Circuit Court

Copies: Circuit Civil Diversion Program
Plaintiff's Attorney of record
Defendant(s)' Attorney of record
All Pro Se Defendants
Attorney Ad Litem

Attn: Persons with disabilities. 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 Mediation & Diversion Services, 800 E. Twiggs St. Room 208, Tampa, Fl, 33602, Telephone 272-5644 within 2 working days of your receipt of this Mediation Conference Notice; if you are hearing impaired call 1-800-955-8771; if you are voice impaired, and call-1-800-955-8770.