

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR  
HILLSBOROUGH COUNTY, FLORIDA  
CIRCUIT CIVIL PROBATE, GUARDIANSHIP & TRUST DIVISION

IN RE: GUARDIANSHIP OF:

Case No. \_\_\_\_\_

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

**ORDER REFERRING PARTIES TO MEDIATION OF GUARDIANSHIP 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.

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. **Petitioner'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, Probate, Guardianship and Trust Division.** 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](http://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, Plaintiff's counsel shall notify the Circuit Civil Diversion Program via email- [Mediation@fjud13.org](mailto:Mediation@fjud13.org), 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 4 below.

3. Pursuant to Rule 1.720, 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.

4. The Petitioner, or the Petitioner's counsel of record, must notify the Circuit Civil Diversion Program, in writing, of any 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 \$175.00 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 among the parties. **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 DELINQUENT PARTY.**

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  
Email - mediation@fljud13.org**

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\_\_.

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Circuit Judge

Original: Clerk of the Circuit Court  
Attn: Probate Division  
Copies: Circuit Civil Diversion Program  
Counsel for Parties:

**If you are a person with a disability who needs any accommodation 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 at the address shown above, (813) 272-5644, within two (2) working days of your receipt of this notice; if you are hearing or voice impaired, call 1-800-955-8770.**