

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. II-05-C-5

IN RE:

UNIFIED FAMILY COURT
FAMILY MEDIATION

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida rules of Judicial Administration and Florida Statutes, it is

ORDERED:

1. A state court program exists for the purpose of mediating family matters appearing on the court docket. This program operates under the direction of the Office of the Trial Court Administrator.
2. The Court Mediation and Arbitration Program shall maintain a list of available mediators in accordance with the Florida Supreme Court guidelines.
3. Pursuant to Rule 12.740(b), Florida Family Law Rules of Procedure, the court may refer all contested family matters and issues for mediation provided there is no significant history in the case of domestic or repeat violence that would compromise the mediation process.
4. In any proceeding before a Hearing Officer/General Magistrate, the Hearing Officer/General Magistrate on his or her own motion or on motion of either party, may refer the issue to mediation pursuant to the provisions hereof unless previously ordered by the court on the same issue. Any referral by a Hearing Officer/General Magistrate shall be with the approval of the assigned judge.
5. If the parties cannot agree on a mediator, the judge may either refer the case to the Court Mediation and Arbitration Program for selection of a mediator, or the judge may appoint a private mediator. The Court Mediation and Arbitration Program shall appoint only mediators certified in the area of Family Mediation by the Florida Supreme Court.
6. If referred to the Court Mediation and Arbitration Program for private mediation, upon selection of a mediator, the Program shall contact the mediator to determine availability. If the mediator is not available for mediation then the Court Mediation and Arbitration Program shall select the next available mediator, until a mediator is appointed. Upon selection of a court designated mediator, the Court Mediation and Arbitration Program shall notify said mediator and forward a copy of the court referral.

7. The Court Mediation and Arbitration Program provides staff and contract mediators for state subsidized mediation to family law litigants whose combined gross income does not exceed \$100,000.00. Except for cases where the parties have been determined to be indigent, the parties shall pay the fees established for state subsidized mediation in accordance with the state guidelines. These fees, and time period for paying the fees are set forth in the Order Appointing Family Mediator. (Exhibit A)

7.1. The Court Mediation and Arbitration Program shall not conduct any mediation conference without proper court order.

8. Except where a hearing is required to conclude a matter, upon completion of the mediation session where an agreement is reached, the mediator shall submit the fully executed agreement to the referring judge together with a proposed order concluding the specific matter pending before the court and adopting the agreement, and envelopes in accordance with Rule 12.740 (f) (1).

9. The Court Mediation and Arbitration Program shall keep a record of the case name, number, assigning judge, mediator and the attorneys in all cases referred to the Court Mediation and Arbitration Program.

10. It is the sole responsibility of the appointed private mediator to provide a location wherein the mediation may take place, or to arrange with the parties an amicable location.

11. The family mediation conference shall be held within 30 days of referral unless otherwise ordered by the court.

12. The financial obligation of mediation is the equal responsibility of the parties involved in the suit unless otherwise agreed upon or ordered by the court. All mediators appointed pursuant hereto will conduct mediation conferences at a rate set forth in the order of appointment, or such rate as may be agreed to in writing by the parties and mediator no less than four (4) business days prior to the date of mediation.

13. The order of appointment shall be in substantial conformity to Exhibit A as attached hereto, except for the order for instant mediation provided in conjunction with the Broward County Bar Association Family Law Section.

14. All mediators are required to complete a statistical mediation information sheet within ten (10) days of completion of the mediation and return it to the Court Mediation and Arbitration Program with a copy to the assigned judge. The statistical mediation information sheet shall be in substantial conformity to Exhibit B attached hereto.

15. The Court Mediation and Arbitration Program shall submit statistical and workload reports regarding family mediation by staff mediators on the 10th of the month for the preceding month as required by the Administrative Judge of the Unified Family Court. The reports shall be

submitted to the Administrative Judge of the Unified Family Court and to the Trial Court Administrator.

16. Pursuant to section 44.405 (1) and section 61.183 (3), Florida Statutes, all oral and written communications relating to a court ordered mediation shall be confidential and privileged from the date the judge signs the order of appointment, and may not be disclosed without consent of all parties to the proceeding, or as provided by law.

17. This order shall rescind and replace Administrative Order II-01-C-5A and Administrative Order II-01-C-6A.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on this 23rd day of February, 2005.

/s/DALE ROSS
DALE ROSS, Chief Judge

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

CASE NO.

and
Petitioner,

Respondent.

_____ /

ORDER APPOINTING FAMILY COURT MEDIATOR

THIS CAUSE having come before this court and the court having reviewed the file and being duly advised in the premises finds and orders as follows:

(A) APPOINTMENT OF MEDIATOR (check space 1, 2, 3 or 4)

(1) ___ The parties are ordered to **private mediation** and:

Pursuant to Rules 12.740-12.741, Florida Family Law Rules of Procedure (Mediation), the parties may designate a mediator agreeable to all parties and advise the Circuit Court Mediation Office that they have been able to agree and advise the court of their choice within ten (10) days of this date.

If a private mediator is not agreed upon within ten (10) days, the court hereby appoints as mediator:

Name: _____

Address: _____

Telephone: _____

- OR -

(2) ___ The parties are ordered to mediate and the Court Mediation and Arbitration Program's Mediation Coordinator shall assign a mediator **by rotation**.

-OR -

(3) ___ The parties are ordered to **State Subsidized Mediation**.

The parties have filed financial affidavits in this cause and the court determines, for purposes of this order only, that the combined gross income of the parties does not exceed one hundred thousand dollars (\$100,000) and the parties are eligible for state subsidized mediation offered through the Court Mediation and Arbitration Program (Room 565, Broward County Courthouse, 954-831-6066). The parties do not qualify for **State Subsidized Mediation** if their combined gross income exceeds \$100,000.

- OR -

(4) ___ The parties are ordered to the Court Mediation and Arbitration Program (**Family Mediation Unit**).

The court finds that the parties have been certified by the Clerk of the Court to be indigent or the court hereby declares the parties indigent for the purposes of this order and that the parties qualify for services at no cost. Mediation will be provided by the **Court Mediation and Arbitration Program, Room 565, Broward County Courthouse. (954-831-6066).**

Through this order, the mediator is authorized to address only the unresolved issues currently pending before the court. The parties are required to provide copies of the pleadings at the time of mediation or the Clerk's Office will deliver the court file to Room 565 upon request of the mediator.

B. AMOUNT OF FEES FOR STATE SUBSIDIZED MEDIATION AND PAYMENT (Paragraph A-3)

1. Based upon the financial affidavits filed in this case, the court determines for the purposes of this order only that the parties are not able to pay customary mediation fees because:

- The parties' combined annual gross income is \$50,000 or less
- The parties' combined annual gross income is more than \$50,000 but less than \$100,000

Parties with a combined annual gross income exceeding \$100,000 do not qualify for State Subsidized mediation.

2. The cost of the mediation shall be \$80 per session for parties with a combined annual gross income of \$50,000 or less and \$160 per session for parties with a combined annual gross income of more than \$50,000 but less than \$100,000. (If not checked above, the fee will be \$160 per session.)

3. The petitioner shall be responsible for _____% and the respondent shall be responsible for _____% of the fee for said mediation. (If the foregoing percentages are not filled in, then the petitioner and respondent shall each be responsible for 50% of said fee.)

C. AMOUNT OF FEES FOR PRIVATE MEDIATION AND PAYMENT (Paragraph A-1 and A-2)

1. The parties have filed financial affidavits in this cause and the court determines that for purposes of this order only, the parties are not both indigent and either or both are able to pay for the services of a private mediator. Private mediators shall be compensated at a rate not to exceed \$200 per hour unless otherwise agreed upon by the parties and the mediator at least 4 days prior to mediation.

2. Based upon the financial affidavits filed in this case, the court determines for purposes of this order only that the parties are not able to pay customary mediation fees because their combined annual gross income is \$50,000 or less. The cost of mediation for parties with a combined annual gross income of \$50,000 or less shall be \$125 per hour for private mediation.

3. If the financial affidavits filed with the court are inaccurate and it is subsequently determined that the combined annual gross income exceeds \$50,000, the mediator shall be entitled to \$200 per hour.

4. The petitioner shall be responsible for _____% and the respondent shall be responsible for _____% of the fee for said mediation. (If the foregoing percentages are not filled in, then the petitioner and respondent shall each be responsible for 50% of said fee.)

D. GENERAL PROVISIONS APPLICABLE TO STATE SUBSIDIZED MEDIATION ONLY (Paragraph A-3)

1. Parties ordered to attend state subsidized mediation with the Court Mediation and Arbitration Program shall contact that office at (954) 831-6066 immediately to schedule a mediation conference.

2. Parties ordered to mediation with the Court Mediation and Arbitration Program, other than those certified by the Clerk of Court as indigent, are required to prepay the fee for the mediation session(s). Payment shall be made to the Clerk of Court for the Seventeenth Judicial Circuit at least seven (7) days prior to the date of the scheduled mediation. The Court will be notified of failure to pay if payment is not received by both parties within the specified time, and the scheduled mediation conference will be canceled. The fee, and each party's individual responsibility for the fee is provided for in paragraph B above. Upon receiving this order, the parties shall contact the Court Mediation and Arbitration Program (954-831-6066) to schedule an appointment.

3. Any scheduled mediation appointment offered by the Court Mediation and Arbitration Program may be canceled only by both parties due to settlement.

4. The length of the session for cases scheduled with the Court Mediation and Arbitration Program is set at a maximum of 1.5 (one and one-half) hours. For each additional session, if needed, the parties shall prepay through the Clerk of Court prior to the mediation being scheduled. The amount to be paid by each party per additional session shall be the same as the amount charged for the prior session.

5. The amount the parties are required to prepay for State Subsidized Mediation is for one session (1-1/2 hours).

For both state subsidized and private mediation, the parties are ordered to attend the mediation conferences at the office of the mediator or at an agreed upon location. The appearance of all parties is mandatory. The court shall have the power to impose sanctions against any party who does not attend the conference in accordance with rule 12.741(b)(2), Florida Family Law Rules of Procedure.

E. GENERAL PROVISIONS APPLICABLE TO PRIVATE MEDIATION ONLY
(Paragraphs A-1 and A-2)

1. The parties may select a private mediator of their own choice within 10 days.

2. If the parties have selected a mediator, the reduced fee in paragraph C(2) is not available.

3. At any time after ten (10) days from the date of this order, the mediator hereby appointed may contact the parties to set the mediation date. If the parties have been able to agree on a mediator, this ten (10) day restriction shall not apply.

4. Failure to notify the private mediator of a cancellation at least four (4) business days prior to a scheduled mediation date shall result in a minimum of one hour fee.

5. For private mediators, the parties and mediator are not limited to scheduling a single session and may set times as agreed by all parties and the mediator.

6. For both state subsidized and private mediation, the parties are ordered to attend the mediation conferences at the office of the mediator or at an agreed upon location. The appearance of all parties is mandatory. The court shall have the power to impose sanctions against any party who does not attend the conference in accordance with rule 12.741(b)(2), Florida Family Law Rules of Procedure.

F. GENERAL PROVISIONS APPLICABLE TO ALL COURT ORDERED MEDIATION

1. The parties shall present a brief written summary of the case to the mediator at least five (5) calendar days prior to the mediation conference. The summary may also include a list of issues that remain

unresolved. If financial matters are at issue, an updated financial affidavit and compliance with Rule 12.285 Fla. Fam.LRP are required.

2. If a settlement or partial settlement is reached, it shall be reduced to writing in the presence of the mediator, signed by all parties and their counsel, if present, and submitted to the court within ten (10) calendar days of the completion of the settlement.

3. The mediator shall provide the Court Mediation and Arbitration Program (Room 565, Broward County Courthouse) with the Statistical Outcome Information Sheet within five (5) days of the completion of any mediation under this Order.

4. Pursuant to Section 44.405(1) and 61.183(3), Florida Statutes, all oral or written communications relating to the mediation proceedings shall be confidential and privileged and may not be disclosed without consent of all parties to the proceeding. The requirement for confidentiality commences with the date of this Order.

5. The Judicial Assistant shall furnish a copy of this order to the Court Mediation and Arbitration Program, Room 565, Broward County Courthouse.

6. All provisions of this order may be enforced by contempt proceedings or other appropriate actions.

7. The provisions of this order are subject to a hearing upon proper motion and notice concerning allegations of domestic abuse pursuant to Florida Statute 44.102(2)(c).

8. Persons with a disability who need accommodation in order to participate in this proceeding are entitled, at no cost to the party, to certain assistance. To obtain information regarding the assistance available, the party should contact the Court Administrator's ADA Coordinator at 954-831-7721 within two working days of receipt of this notice. Hearing impaired or voice impaired telephone 954-831-7017, or Florida Relay Service at 1-800-995-8771 (TTY) or 1-800-995-8770 (Voice).

9. Persons who require an interpreter must obtain those services at their own expense.

10. The final or temporary hearing in this cause has been set for the period commencing _____, **200**____. Mediation shall be completed within _____ days of the date of this order. (If not filled in, mediation shall be completed prior to calendar call, if applicable, 5 days prior to a temporary hearing, and for any other matter within 30 days of this order.) If the mediator is unavailable to complete the mediation, he/she shall immediately advise the parties and the court.

11. This Order supersedes any previous Order to Mediation entered by this Court.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida this _____ day of _____, 200__.

Circuit Judge

Copies furnished:
Court Mediation and Arbitration Program
Mediator:

**17TH JUDICIAL CIRCUIT
MEDIATOR'S STATISTICAL INFORMATION SHEET**

Mediator: _____ Mediator's Phone _____

Judge: _____ Division: _____ Case # _____

Case Style: _____

Date of Mediation: _____ Time In: _____ Time Out _____ Total Hours: _____

TYPE OF CIVIL MEDIATION

- Auto Negligence
- Malpractice
- Products Liability
- Other Negligence
- Condominium
- Eminent Domain
- Real Property/Mortgage Foreclosure
- Contract and Indebtedness
- Other Civil

TYPE OF FAMILY MEDIATION

- Dissolution
- Domestic Relations

TYPES OF PROBATE MEDIATION

- Guardianship
- Probate Estate

OUTCOME (CHECK ONE)

- Conflict has been Completely Resolved
- Conflict Has Been Partially Resolved
- Matter has been continued until _____ for further mediation
- Mediation Dismissed
- Impasse
- Other _____

THE FOLLOWING IS THE AGREEMENT OF THE PARTIES:

Plaintiff/Petitioner

Defendant/Respondent

Plaintiff/Petitioner's Attorney

Defendant/Respondent's Attorney

Date

Mediator Name (Please Print)

Mediator's Signature

Certification Number

Return to:
Court Mediation and Arbitration Program
Broward County Courthouse, Room #565
201 S. E. 6th Street
Ft. Lauderdale, Florida 33301