

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

Order Number 2010- 30-UFC

ADMINISTRATIVE ORDER
ESTABLISHING UNIFORM ORDER
FOR ORDERING FAMILY CASE TO MEDIATION

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within that circuit.”

(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) The Order Referring Case to Family Mediation attached as Exhibit A shall be used by judges assigned to a Unified Family Court division judge when ordering a family case to mediation as the Circuit has established a family mediation program as authorized by §44.102(2)(c), Fla. Stat.

(2) This Administrative Order vacates and supersedes Administrative Order II-05-C-5.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on April 1, 2010.

s/Victor Tobin
Victor Tobin, Chief Judge

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

Case Number FMCE
Division

Petitioner

v.

Respondent

ORDER OF REFERRAL TO FAMILY MEDIATION
(Court Mediation and Arbitration Program)

THE COURT ☐ sua sponte / ☐ upon the motion of a party, hereby refers the above captioned matter to mediation as authorized by statute and rules of procedure. It is ORDERED as follows:

A. Appointment of Mediator

1. ☐ Private Mediation

- a. The parties shall within ten (10) days of entry of this order submit a stipulation with order thereon as to the designation of the mediator to the undersigned judge. The parties shall provide a copy of the stipulation and order thereon to Court Administration's Court Mediation and Arbitration Program at Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301.
- b. If the parties fail to submit a stipulation with order thereon as to the designation of the mediator, the Court orders the following:
 - ☐ Court Administration's Court Mediation and Arbitration Program to select a mediator **by rotation** and provide the name, address, and telephone number of the mediator to the parties.
 - ☐ appoints as mediator

Name: _____

Address: _____

Telephone: _____

- c. If the mediator stipulated to by the parties or appointed by the court cannot serve, the parties shall either submit a stipulation with order thereon designating a substitute mediator or advise the court so that a substitute mediator can be appointed by the court.
- d. **Fees for Private Mediation** The private mediator shall be entitled to compensation at the rate of \$_____ per hour subject to any written agreement entered into between the parties and mediator. If any party objects to the mediator's fee, the party shall file an objection as required by Florida Family Law Rules of Procedure. If the parties do not object to the mediator's fees, the parties shall pay the total fee for mediation as follows: _____% Petitioner and _____% Respondent, unless otherwise agreed to by the parties.

- 2. ☐ State Subsidized Mediation** The parties are ordered to Court Administration's Court Mediation and Arbitration Program located in Room 565, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. Parties whereby the petitioner's last name begins with **A - I** should call (954) 831-6313. Parties whereby the petitioner's last name begins with **J - Z** should call (954) 831-6088.

a. Fees for State Subsidized Mediation

- ☐ Each party to the action shall pay \$60.00 per mediation conference when the parties' combined income is less than \$50,000.00. The total mediation fee is \$120.00
- ☐ Each party to the action shall pay \$120.00 per mediation conference when the parties' combined income is greater than \$50,000.00 and less than \$100,000.00. The total mediation fee is \$240.00.

The parties shall pay the total fee for mediation as follows: _____% Petitioner and _____% Respondent, unless otherwise agreed to by the parties. (If the foregoing percentages are not filled in, then the petitioner and respondent shall each be responsible for 50% of said fee.)

- b. The mediation conference fee shall be paid to the Clerk of Court prior to mediation taking place. **No refund of the mediation fee will be paid to any party after payment is received by the Clerk of Court.**
- c. The scheduled mediation conference may be cancelled only by both parties if there is a settlement of the issues that have been referred to mediation, or by agreement of both parties. The mediation conference is set for a maximum of three (3) hours. For each additional session, if needed by the parties, the parties shall pay the same amount charged for the prior session.

3. ☐ **Indigent Mediation Services** If a party was declared **indigent by the Clerk of Court**, that party is not required to pay for the mediation conference. The parties are referred to Court Administration's Court Mediation and Arbitration Program located in Room 565, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. Parties whereby the petitioner's last name begins with **A - I** should call 954-831-6313. Parties whereby the petitioner's last name begins with **J - Z** should call 954-831-6088.

B. General Provisions Applicable to All Court Ordered Mediation

1. The judicial assistant shall furnish a copy of this order to the Court Mediation and Arbitration Program, Room 565, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301.
2. The parties are ordered to attend the mediation conference(s) at the office(s) designated for mediation purposes by the program.
3. The parties may 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 Florida Family Law Rule of Procedure 12.285 is required.
4. If a settlement is reached, it shall be reduced to writing in the presence of the mediator and signed by all parties.
5. The conference(s) conducted pursuant to this order is governed by the Mediation Confidentiality and Privilege Act.
6. Mediations as ordered for referral herein are governed by the Florida Family Law Rules of Procedure and Chapter 44, Florida Statutes, as now in effect, or as may be amended from time to time.
7. The mediator shall complete the Mediator's Statistical Information Sheet and return it to Court Administration's Court Mediation and Arbitration Program within twenty (20) days after the final mediation conference.

8. All provisions of this order may be enforced by contempt proceedings or other appropriate actions. 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 Florida Family Law Rule of Procedure 12.741(b) (2).
9. The provisions of this order are subject to a hearing upon proper motion and notice concerning allegations of domestic violence.
10. Persons who require an interpreter must obtain those services at their own expense.
11. If the mediator is unavailable to complete mediation, he/she will immediately advise the parties and the court.
12. Unless otherwise ordered, mediation shall be completed prior to any scheduled hearing or calendar call. Mediation shall be completed within _____ days of this order.
13. This order supersedes any previous order of referral to mediation entered by this court.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on this _____ day of _____, 20_____.

Circuit Judge

Copies Furnished:

Counsel of Record / Parties of Record

Court Mediation and Arbitration Program, Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301

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 Diana Sobel, Room 470, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 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 711.