

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

Order Number 2012-1-CO

**ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES
FOR APPOINTMENT OF MEDIATORS IN COUNTY COURT CASES
AND UNIFORM ORDERS OF REFERRAL**

- (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) A uniform procedure for the appointment of mediators in county court cases will assist with the resolution of cases.
- (c) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered effective immediately:
- (1) **Small Claims Cases.** The Trial Court Administrator’s Office of Court Mediation and Arbitration, in accordance with Florida Rule of Civil Procedure 1.750(c) and Florida Small Claims Rule of Procedure 7.090(f), shall schedule mediators for mediation conferences to be held at or immediately after the pretrial conferences. If the parties invoke the Florida Rules of Civil Procedure for a small claims case then mediation shall occur as set forth for county court cases.
 - (2) **Eviction Cases.** The parties shall within ten (10) days of entry of the Order of Referral to Mediation in a commercial eviction case submit a stipulation with order thereon as to the designation of the mediator to the division judge. The parties shall within five (5) days of entry of the Order of Referral to Mediation in a residential eviction case submit a stipulation with order thereon as to the designation of the mediator to the division judge. The parties shall provide a copy of the stipulation and order thereon to Court Mediation and Arbitration Program in Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. If the parties fail to submit a stipulation with order thereon as to the designation of the mediator, the Court shall select a private mediator or refer the case to the Court Mediation and Arbitration Program to select a mediator by rotation and provide the date and time of the mediation to the parties. The parties shall pay the costs of mediation as set forth in the Order of Referral.
 - (3) **County Court Cases.** The parties shall within ten (10) days of entry of the Order of Referral to Mediation submit a stipulation with order thereon as to the designation of the mediator to the division judge. The parties shall provide a copy of the stipulation and order thereon to the Court Mediation and Arbitration Program in Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. If the parties fail to submit a stipulation with order thereon as to the

designation of the mediator, then the Court may appoint or Court Mediation and Arbitration Program may select a mediator by rotation and provide the date and time of the mediation to the parties.

- (4) **Orders of Referral.** The attached orders of referral shall be used by the judges and parties.
- (5) This Administrative Order vacates and supersedes Administrative Order VI-04-F-1A.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on
January 19, 2012.

s/Peter M. Weinstein
Peter M. Weinstein, Chief Judge

IN THE COUNTY COURT IN AND FOR BROWARD COUNTY, FLORIDA

Case Number:

Division:

Plaintiff(s)

v.

Defendant(s)

ORDER REFERRING CASE TO COURT MEDIATOR IN COUNTY COURT
(SMALL CLAIMS)

The Court hereby refers this case to mediation as authorized by Florida Rules of Civil Procedure, Florida Small Claims Rules, and Chapter 44, Florida Statutes.

All parties are ordered to attend the mediation conference to be held on _____, 20__ at _____ at the _____ Courthouse located at _____, Room _____, _____ Broward County, Florida.

The general rules governing the settlement conference are:

1. The appearance of all parties is **MANDATORY**. If the Court has granted the absence of any party, an attorney appearing on behalf of a party must have full and complete authority to settle and execute a mediation agreement without further consultation. If a business entity (i.e. an insurance company, corporation, association, partnership) is a party, a representative of that company must appear having full authority to settle. A non-lawyer representative may appear on behalf of a party to small claims mediation if the representative has the party's signed written authority to appear and has full authority to settle without further consultation. **Full authority includes having complete authority to dismiss the claim, to pay up to the full amount of any counterclaim, or the individual representing the defendant has the authority to pay up to the full amount of the claim.**
2. The Court shall have the power to impose sanctions for failure to attend the mediation conference or failure to comply with the terms of paragraph 1, including the imposition of costs and attorney's fees.
3. All discussions, representations and statements made in the mediation conference or in the furtherance of mediation shall be confidential and privileged commencing with the date of this order.
4. There shall be no charge to the parties for the mediation services in Small Claims Court for services provided by the Court Mediation and Arbitration Program

(CMAP) at pre-trial. If either or both parties elect to attend mediation at a later date, then the Court may impose mediation fees on either or both parties.

5. If a settlement or partial settlement is reached, it shall be reduced to writing in the presence of the mediator, signed by all parties or their counsel, and promptly submitted to the court.
6. All provisions contained in this order may be enforced by contempt proceedings or other appropriate sanctions.
7. The parties are responsible for providing their own interpreter. Neither the Court nor the CMAP Office provides interpreters for County Court (Small Claims) Civil cases.

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

COUNTY 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 the ADA Coordinator, 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.

IN THE COUNTY IN AND FOR BROWARD COUNTY, FLORIDA

Case Number:

Division:

Plaintiff

v.

Defendant

ORDER REFERRING CASE TO MEDIATION
(COUNTY COURT -EVICTIION CASES)

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:

1. ☐ **(RESIDENTIAL)** The parties shall within five (5) days of entry of this order, if this case is a **residential** eviction, submit a stipulation as to the designation of the mediator. The parties shall provide a copy of the stipulation and order thereon to Court Administration's Court Mediation and Arbitration Program (CMAP) located in Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. The phone number is (954) 831-6309. If the parties fail to submit a stipulation then CMAP is appointed to provide mediation services and CMAP shall coordinate the date, time, and location for the mediation session.

☐ **(COMMERCIAL)** The parties shall within ten (10) days of entry of this order, if this case is a **commercial** eviction, submit a stipulation as to the designation of the mediator. The parties shall provide a copy of the stipulation and order thereon to Court Administration's Court Mediation and Arbitration Program (CMAP) located in Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301.

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. The phone number is (954) 831-6309.

If the parties fail to submit a stipulation then the court appoints as mediator

☐ Name: _____

Address: _____

Telephone: _____

OR:

☐ Court Administration's Court Mediation and Arbitration Program, Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. The phone number is (954) 831-6309.

2. The first mediation conference shall be held within fifteen (15) days of the date of this order.

3. The appearance of all parties, and their counsel, is **MANDATORY**. The attorney must have full and complete authority to settle from the client and authority to execute any mediation agreement on behalf of the client, without further consultation, if the Court has granted the absence of a party. If a business entity (i.e. an insurance company, corporation, association, partnership) is a party, a representative of that company shall also appear having full authority to settle. **Full authority means the individual representing the plaintiff has the authority to dismiss the claim and to pay up to the full amount of the counterclaim and the individual representing the defendant has the authority to pay up to the full amount of the claim.**
4. CONTINUANCES MAY BE GRANTED ONLY BY THE COURT UPON TIMELY WRITTEN MOTION FOR GOOD CAUSE SHOWN. Even if the parties mutually agree to continue mediation, they must receive the permission of the Court and file the appropriate motions in a **timely** manner. **PARTIES SHALL NOT UNILATERALLY CANCEL MEDIATION FOR ANY REASON EXCEPT SETTLEMENT OF THE CASE AND NOTIFICATION OF SUCH SETTLEMENT IS PROVIDED IN WRITING TO THE COURT.**
5. Parties utilizing the CMAP, except for residential evictions, shall pay the Clerk of Court for mediation in advance of the mediation session being scheduled. Payment shall be made within fifteen (15) days of the date of this order and not less than 5 days prior to the scheduled mediation date. A session shall not exceed one and one half hours (1.5 hours). Each party in the case, including cases with multiple parties, shall pay the Clerk of Court sixty dollars (\$60) per session. If additional sessions are needed, the parties must pay the Clerk of Court in advance and a follow-up mediation appointment will be scheduled. FAILURE TO PAY BY ANY PARTY WILL PREVENT THE SCHEDULING OF A MEDIATION SESSION. THE JUDGE WILL BE NOTIFIED THAT THE PARTY OR PARTIES FAILED TO PAY. THE CASE WILL BE REFERRED BACK TO THE JUDGE FOR SANCTIONS WHICH MAY INCLUDE AN AWARD OF MEDIATOR FEES, ATTORNEY'S FEES, OTHER COSTS, OR OTHER APPROPRIATE REMEDIES.
6. Regarding this order of referral to mediation, the court determines that:
- ☐ The Plaintiff(s) and the Defendant(s) shall share equally in the cost of mediation
 - ☐ The Plaintiff(s) shall pay the full amount for all parties in the mediation
 - ☐ The Defendant(s) shall pay the full amount for all parties in the mediation
 - ☐ The Clerk of Court has certified that the ☐Plaintiff and/or ☐Defendant is/are indigent
 - ☐ This is a residential eviction case and there is no charge to either party.
 - ☐ Other (Please Specify)_____

If a cost for mediation is imposed above, you may object to mediation on grounds of financial hardship or on any ground set forth in Rule 1.700 Fla. R. Civ. Pro. within 15 days of the date of this order.

7. The Court shall have the power to impose sanctions as authorized by the Florida Rules of Civil Procedure, for the following:
- a. Failure to attend and/or participate in good faith at the mediation conference without good cause;
 - b. Failure to obey this order;
 - c. Failure of the parties to appear;
 - d. Failure of a representative to appear without full authority to settle, without further consultation;

- e. Failure of an attorney to appear without full authority to act on behalf of his/her client, if the Court has granted the absence of a party;
 - f. Failure to obtain permission of the Court for a continuance;
 - g. Failure to pay the mediator's fee within the time period set forth in this order.
- 8. Plaintiffs and defendants shall present a brief written summary of the case to the mediator, at least one week before the mediation conference. This summary shall include a list of issues.
 - 9. The conferences are governed by the Mediation Confidentiality and Privilege Act as well as applicable rules of procedure.
 - 10. Parties utilizing private mediators shall pay the mediator directly based upon arrangements the parties make with the mediator. In addition, the private mediator is responsible for all administrative functions pertaining to the mediation including securing a space outside courthouse locations.
 - 11. Parties shall notify CMAP if settlement is reached prior to a scheduled mediation date. Mediation shall not be canceled until a copy of the settlement is provided to CMAP and the Court. There will be no refunds for mediation fees paid for CMAP.
 - 12. Plaintiff's counsel or plaintiff, if not represented by counsel, shall advise CMAP, in writing, if the case should settle after mediation but prior to trial.
 - 13. If a settlement or partial settlement is reached, it shall be reduced to writing in the presence of the mediator, signed by all parties or their counsel, and promptly submitted to the Court.
 - 14. Within ten (10) days following the completion of mediation, the mediator shall complete and return the Statistical Information Sheet to the CMAP, County Court Coordinator, Broward County Courthouse, Room 565, 201 SE 6th St., Fort Lauderdale, FL 33301.
 - 15. The parties are responsible for providing their own interpreter. Neither the Court nor the CMAP Office provides interpreters for County Court Civil cases.

DONE AND ORDERED in Chambers, Broward County, Florida, this _____day of _____20____.

COUNTY 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 the ADA Coordinator, 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.

IN THE COUNTY IN AND FOR BROWARD COUNTY, FLORIDA

Case Number:

Division:

Plaintiff

v.

Defendant

ORDER REFERRING CASE TO MEDIATION
(COUNTY COURT)

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:

1. **Appointment of Mediator**

☐ **Private Mediation**

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 (CMAP) in Room 565, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301.

If the parties fail to submit a stipulation with order thereon as to the designation of the mediator, the court orders the following:

- ☐ The Court appoints as mediator

Name: _____

Address: _____

Telephone: _____

OR

- ☐ Court Mediation and Arbitration Program shall coordinate the date, time, and location for the mediation.

2. 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.
3. The first mediation conference shall be held within sixty (60) days from the date of this order in Broward County, Florida.
4. The appearance of all parties, and their counsel, is **MANDATORY**. The attorney must have full and complete authority to settle from the client and authority to execute any mediation agreement on behalf of the client, without further consultation, if the Court has granted the absence of a party. If a business entity (i.e. an insurance company, corporation, association, partnership) is a party, a representative of that company shall also appear having full authority to settle. **Full authority means the individual representing the plaintiff has the authority to dismiss the claim and to pay up to the**

full amount of the counterclaim and the individual representing the defendant has the authority to pay up to the full amount of the claim.

5. CONTINUANCES MAY BE GRANTED ONLY BY THE COURT UPON TIMELY WRITTEN MOTION FOR GOOD CAUSE SHOWN. Even if the parties mutually agree to continue mediation, they must receive the permission of the Court and file the appropriate motions in a timely manner. PARTIES SHALL NOT UNILATERALLY CANCEL MEDIATION FOR ANY REASON EXCEPT SETTLEMENT OF THE CASE AND NOTIFICATION OF SUCH SETTLEMENT IS PROVIDED IN WRITING TO THE COURT.
6. Parties utilizing the CMAP shall pay the Clerk of Court for mediation in advance of the mediation session being scheduled. Payment shall be made within fifteen (15) days of the date of this order and not less than 5 days prior to the scheduled mediation date. A session shall not exceed one and one half hours (1.5 hours). Each party in the case, including cases with multiple parties, shall pay the Clerk of Court sixty dollars (\$60.00) per session. If a party was declared indigent the fee is not required from that party. If additional sessions are needed, the parties must pay the Clerk of Court in advance and a follow-up mediation appointment will be scheduled. FAILURE TO PAY BY ANY PARTY WILL PREVENT THE SCHEDULING OF A MEDIATION SESSION. THE JUDGE WILL BE NOTIFIED THAT THE PARTY OR PARTIES FAILED TO PAY. THE CASE WILL BE REFERRED BACK TO THE JUDGE FOR SANCTIONS WHICH MAY INCLUDE AN AWARD OF MEDIATOR FEES, ATTORNEY'S FEES, OTHER COSTS, OR OTHER APPROPRIATE REMEDIES.
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 - ☐ The Plaintiff(s) shall pay the full amount for all parties in the mediation
 - ☐ The Defendant(s) shall pay the full amount for all parties in the mediation
 - ☐ The Clerk of Court has certified that the ☐Plaintiff and/or ☐Defendant is/are indigent
 - ☐ This is a residential eviction case and there is no charge to either party
 - ☐ Other (Please Specify)_____

If a cost for mediation is imposed above, you may object to mediation on grounds of financial hardship or on any ground set forth in Rule 1.700 Fla. R. Civ. Pro. within 15 days of the date of this order.

8. The Court shall have the power to impose sanctions as authorized by the Florida Rules of Civil Procedure, for the following:
 - a. Failure to attend and/or participate in good faith at the mediation conference without good cause;
 - b. Failure to pay the mediation fee within the time period set forth in this order;
 - c. Failure to obey this order;
 - d. Failure of the parties to appear;
 - e. Failure of a representative to appear without full authority to settle, without further consultation;
 - f. Failure of an attorney to appear without full authority to act on behalf of his/her client, if the Court has granted the absence of a party;
 - g. Failure to obtain permission of the Court for a continuance.

9. Plaintiffs and defendants shall present a brief written summary of the case to the mediator, at least one week before the mediation conference. This summary shall include a list of issues.
10. The conferences are governed by the Mediation Confidentiality and Privilege Act as well as applicable rules of procedure.
11. Parties utilizing private mediators shall pay the mediator directly based upon arrangements the parties make with the mediator. In addition, the private mediator is responsible for all administrative functions pertaining to the mediation including securing a space outside courthouse locations.
12. Parties shall notify the CMAP if settlement is reached prior to a scheduled mediation date. Mediation shall not be canceled until a copy of the settlement is provided to CMAP and the Court. There shall be no refunds for payments made to CMAP.
13. Plaintiff's counsel or plaintiff, if not represented by counsel, shall advise the CMAP, in writing, if the case should settle after mediation but prior to trial.
14. If a settlement or partial settlement is reached, it shall be reduced to writing in the presence of the mediator, signed by all parties or their counsel, and promptly submitted to the Court.
15. Within ten (10) days following the completion of mediation, the mediator shall complete and return the Statistical Information Sheet to the CMAP, County Court Coordinator, Broward County Courthouse, Room 565, 201 SE 6th St., Fort Lauderdale, FL 33301.
16. The parties are responsible for providing their own interpreter. Neither the Court nor the CMAP Office provides interpreters for County Court Civil cases.

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

COUNTY 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

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