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

Administrative Order No. 2023-6-CO (Amendment 1)

PROCEDURES FOR THE APPOINTMENT OF MEDIATORS IN COUNTY COURT CASES AND UNIFORM ORDERS OF REFERRAL

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the Chief Judge shall "develop an administrative plan" and "shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit."

(c) A uniform procedure for the appointment of mediators and the reporting of results in County Court civil cases will assist with the resolution of cases.

(d) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED:**

(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 herein for County Court cases.

(2) **Residential Eviction Cases.** The parties must within five (5) days of entry of the Order of Referral to Mediation in a residential eviction case submit a stipulation as to the designation of the mediator to the division judge, if a mediator is desired other than the Court Mediation and Arbitration Program. The parties shall provide a copy of the stipulation to the Court Mediation and Arbitration

Program in Room 19150, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. If the parties fail to timely submit a stipulation as to the designation of the mediator, the parties must use the Court Mediation and Arbitration Program, who will assign a mediator and provide the date and time of the mediation to the parties. The parties must timely pay the costs of mediation as set forth in the Order of Referral.

(3) **County Court Cases (including Non-Residential Evictions).** The Court shall appoint a mediator by rotation from a wheel maintained by the County Court Administrative Judge or its designee, provided that a County Court Judge may refer cases seeking damages under $15,000.00 to the Court Mediation and Arbitration Program. The parties may within ten (10) days of entry of the Order of Referral to Mediation submit a stipulation as to the designation of the mediator to the division judge. The parties must provide a copy of the stipulation to the Court Mediation and Arbitration Program in Room 19150, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, or via email at countymed@17th.flcourts.org. If the parties fail to timely submit a stipulation as to the designation of the mediator, then the parties must use (i) the Court-appointed private mediator, who shall be entitled to fees up to $350 per hour for all cases with a prefix of COINX, or cases seeking damages greater than $30,000.00, and no more than $250 per hour for all other cases, or (ii) the Court Mediation and Arbitration Program if designated by the Court

(4) **Orders of Referral.** The orders of referral attached hereto as Attachments A, B, and C must be used by the Judges and parties, as appropriate.

(5) **Mediation Reports**. In all cases referred to mediation under this Administrative Order, the private mediator or Court Mediation and Arbitration Program must file, upon completion of the mediation, a report with the Clerk which must, at a minimum, contain the style of the case, the names and positions of the parties attending (both attorney and client or client representative), the name of the mediator, the date of the mediation, the time the mediation began and ended, the type of case, and the outcome of the mediation. The mediator may utilize the "Mediation Report" attached hereto as Attachment "D" or any similar report that contains all of the information required herein.

(6) This Administrative Order vacates and supersedes Administrative Order 2023-6-CO.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 21st day of October, 2024.

/s/ Jack Tuter
Jack Tuter, Chief Judge

Attachment "A"

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

CASE NO.: _____

JUDGE: _____

_____
Plaintiff(s),

v.

_____
Defendant(s).
_____

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**

The parties shall within ten (10) days of the date of this Order submit to the undersigned Judge and file with the Clerk of the Courts a stipulation as to the designation of a mediator. The parties shall within the same time period provide a copy of the stipulation to the Court Administration Court Mediation and Arbitration Program (CMAP) in Room 19150, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301 or via email at countymed@17th.flcourts.org.

If the parties fail to timely submit and file a stipulation as to the designation of a mediator, the Court orders the following:

[ ] The Court appoints as mediator:

Name: _____

Address: _____

_____

Telephone: _____

Email: _____

Hourly Rate: _____

[ ] 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 jointly-signed stipulation designating a substitute mediator or advise the court so that a substitute mediator can be appointed by the Court. Submitting a stipulation is a representation to the Court that the parties have already contacted the substitute mediator who has confirmed that they can conduct the mediation within the 60-day deadline set forth in this Order.

3. The mediation shall be held within 60 days from the date of this Order in Broward County, Florida unless both parties and the mediator agree to another location. Unless otherwise ordered by the court, and with the written consent of the mediator, the Parties may file a joint written stipulation to conduct the mediation through the use of communication technology (remotely) per Fla. R. Civ. P. 1.700. If the parties cannot agree on a mediation date falling within this deadline, the mediator shall unilaterally set the mediation conference. Any party having a conflict with the date chosen by the mediator must file a motion for continuance with the Court explaining what specific efforts were made by the parties to agree on a date and why no agreement could be reached.

4. The appearance of all parties, and their counsel is **MANDATORY**. If a business entity (i.e. an insurance company, corporation, association, partnership) is a party, a bona fide representative employed by that company shall also appear having full authority to settle. If the Court has approved the absence of a party, 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. **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 the Courts for mediation in advance of the mediation session being scheduled. Parties using the designated mediator shall pay the mediator directly in advance of the mediation session being scheduled. For those parties using the designated mediator, payment shall be made within fifteen (15) days of the date of this Order and not less than five (5) days prior to the scheduled mediation date. A session shall not exceed one and one-half hours (1.5 hours), unless both parties agree. For those cases using the CMAP, each party in the case, including cases with multiple parties, shall pay the Clerk of the Courts sixty dollars ($60.00) per session prior to the commencement of the mediation. 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 the Courts 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.

7. 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 the Courts has certified that the [ ] Plaintiff and/or [ ] the Defendant is/are indigent
[ ] Mediation must be conducted in person

[ ] With client's written consent acknowledging counsel's full authority to settle, counsel may appear without client's presence
[ ] 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 Fla. R. Civ. P. 1.700 within fifteen (15) days of the date of this Order.

8. **All parties are responsible for full compliance with each provision of this Order.** 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 with full authority to settle, without further consultation;
   f. Failure of an attorney to appear with full authority to act on behalf of the 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 outstanding issues in the case.

10. The conferences are governed by the Mediation Confidentiality and Privilege Act as well as applicable rules of procedure.

11. Parties utilizing their own 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. Any private mediator chosen is subject to all relevant provisions of this Order, including deadlines.

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. Because of related work done upon referral of a case to mediation to a designated mediator, a minimum of one hour of designated mediator time is deemed earned as of the fifteen (15) day payment deadline specified in paragraph 6 above, even if the parties settle prior to the mediation date.

14. If a settlement or partial settlement is reached, it must 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 five (5) days following the completion of mediation, the designated mediator or the private mediator shall complete and file the Mediation Report via the eportal. For cases using the CMAP, within thirty (30) days following completion of mediation, the mediator shall complete and return the Mediation Report, Mediator Timesheets, and State Invoice to the CMAP, Director, Broward County Courthouse, Room 19150, 201 SE 6th St., Fort Lauderdale, FL 33301 or via email at countymed@17th.flcourts.org.

16. The parties are responsible for providing their own interpreter, if one is needed. Neither the Court nor the CMAP Office provides interpreters for County Court Civil cases.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this _____day of_____, 20_____.

_____
COUNTY JUDGE

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 20140, 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 Page 2 of 2 than 7 days. If you have a hearing or voice disability you can contact the court through the Florida Relay Service by calling 711.

Copies furnished to all parties.

Attachment "B"

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

CASE NO.: _____

JUDGE: _____

_____
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_____. If no date is provided by the Court, the Court Administration's Court Mediation and Arbitration Program (CMAP) shall coordinate the mediation date, time and location. The Court Administration's Court Mediation and Arbitration Program shall facilitate the mediation through the use of communication technology and shall provide the parties with the contact information of the assigned mediator. The telephone number for the Court Mediation and Arbitration Program (CMAP) office is 954-831-6077.

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. During the mediation conference, the mediator may meet and consult privately with any party, participant or counsel.

5. There shall be no charge to the parties for the mediation services in Small Claims Court for services provided by the CMAP at pre-trial unless the mediation has to be reset due to any party's failure to comply with the terms of this Order.

6. If a settlement or partial settlement is reached, it must be reduced to writing in the presence of the mediator, signed by all parties or their counsel, and promptly submitted to the Court for review and approval.

7. All provisions contained in this Order may be enforced by contempt proceedings or other appropriate sanctions.

8. The parties are responsible for providing their own interpreter, if one is needed. Neither the Court nor the CMAP Office provides interpreters for civil cases.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this _____day of_____, 20_____.

_____
COUNTY JUDGE

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 20140, 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 Page 2 of 2 than 7 days. If you have a hearing or voice disability you can contact the court through the Florida Relay Service by calling 711.

Copies furnished:
Counsel of Record/Parties of Record
Court Mediation and Arbitration Program, Room 19150, Broward County Courthouse
201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, countymed@17th.flcourts.org

Attachment "C"

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

CASE NO.: _____

JUDGE: _____

_____
Plaintiff(s),

v.

_____
Defendant(s).
_____

ORDER REFERRING CASE TO MEDIATION
(COUNTY COURT – RESIDENTIAL EVICTION CASE)

THE COURT hereby refers the above captioned matter to mediation as authorized by statute and rules of procedure. It is hereby **ORDERED** as follows:

1. Unless the parties select their own mediator as provided in paragraph 2 below, the parties shall attend mediation through Court Administration's Court Mediation and Arbitration Program (CMAP) located in the West Tower, Room 19150, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301. The phone number is (954) 831-6077. CMAP shall coordinate the date, time, and location for the mediation session. **Mediations shall be conducted through the use of communication technology.**

2. If the parties desire to select their own mediator, they shall within five (5) days of the date of entry of this Order file a stipulation with the Clerk of the Courts as to the designation of the mediator. The parties shall provide a copy of the stipulation to the CMAP office located in the West Tower, Room 19150, Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301 or via email at countymed@17th.flcourts.org. If the parties cannot agree on their own mediator, they must use the CMAP mediator as specified in paragraph 1 above.

3. The mediation shall be held within fifteen (15) days of the date of this Order, unless both parties agree to extend the mediation deadline.

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. The appearance of all parties, and their counsel is **MANDATORY**. If the Court has granted the absence of a party, 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 a business entity (i.e. an insurance company, corporation, association, partnership) is a party, a representative employed by that entity 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.**

6. Regarding this Order of referral to mediation, the court determines that:

   [ ] This is a residential eviction case and there is no charge to either party if CMAP is used.
   [ ] Other (Please specify): _____

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. The conferences are governed by the Mediation Confidentiality and Privilege Act as well as applicable rules of procedure.

9. During the mediation conference, the mediator may meet and consult privately with any party, participant or counsel.

10. 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.

11. 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.

12. Within ten (10) days following the completion of mediation, the mediator shall complete and return the Statistical Information Sheet to the CMAP, Broward County Courthouse, Room

19150, 201 S.E. 6th St., Fort Lauderdale, FL 33301 or via email at countymed@17th.flcourts.org.

13. The parties are responsible for providing their own interpreter, if one is needed. Neither the Court nor the CMAP Office provides interpreters for County Court Civil cases.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this _____day of_____, 20_____.

_____
COUNTY JUDGE

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 20140, 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 Page 2 of 2 than 7 days. If you have a hearing or voice disability you can contact the court through the Florida Relay Service by calling 711.

Copies furnished:
Counsel of Record/Parties of Record
Court Mediation and Arbitration Program, Room 19150, Broward County Courthouse
201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, countymed@17th.flcourts.org

Attachment "D"

MEDIATION REPORT

Case No.: _____

Judge: _____

PLAINTIFF/PLAINTIFF'S ATTORNEY:

Name: _____

Address: _____

Phone: _____

Email: _____

DEFENDANT/DEFENDANT'S ATTORNEY:

Name: _____

Address: _____

Phone: _____

Email: _____

Case Style: _____

Date: _____ **Time Scheduled**: _____ **Time Ended**: _____

Outcome:

☐ Agreement ☐ Settled Prior to Mediation ☐ No Show Plaintiff ☐ No Show Both Parties

☐ No Agreement ☐ Rescheduled ☐ No Show Respondent ☐ Other: _____

☐ Partial Agreement. The Parties have stipulated to advise the Court that only the following issues remain unresolved: _____

_____

_____.

Attendees and Role: _____

_____

_____

_____
Mediator's Signature

_____
Mediator's Name (Please Print)

_____
Mediator Number