

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR LAKE COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER L-2020-05**

**ADMINISTRATIVE ORDER REGARDING THE REFERRAL OF  
SMALL CLAIMS CASES TO MEDIATION**

**WHEREAS**, many small claims disputes may be amicably and expeditiously resolved through mediation before the case is heard by the Court; and

**WHEREAS**, mediation is a cost-efficient manner of dispute resolution; and

**WHEREAS**, mandatory mediation increases the availability of judicial resources; and

**WHEREAS**, it is necessary for the prompt and efficient administration of justice of this Court;

**It is THEREFORE ORDERED and ADJUDGED** as follows:

**1. SMALL CLAIMS MEDIATION PROGRAM:** Court Mediation Services serves as an adjunct to the County Civil Division of the County Court for the purposes of mediating issues on disputed matters appearing on the court docket. This program is conducted under the direction of the Office of the Court Administrator and the Chief Judge of the Fifth Judicial Circuit.

**2. LIST OF MEDIATORS:** Pursuant to section 44.102(5), Florida Statutes, a list of certified county mediators shall be maintained by Court Mediation

Services.

**3. CERTIFIED SMALL CLAIMS VOLUNTEER MEDIATORS:** Court Mediation Services shall appoint any mediators certified in the area of County Civil Mediation by the Florida Supreme Court. Pursuant to section 44.102(5)(a), Florida Statutes, mediators serve as volunteers in Lake County for all Small Claims Cases. These mediators shall have judicial immunity in the same manner and to the same extent as a judge as provided in section 44.107, Florida Statutes.

**4. AUTHORITY TO REFER TO MEDIATION:** Pursuant to sections 44.102(2)(a) and 44.102(2)(b), Florida Statutes, the Court on its own motion may refer all or any part of a Small Claims civil case to mediation.

**5. REFERRAL OF SMALL CLAIMS MATTERS:** In Lake County, in an effort to handle Small Claims cases expeditiously, all cases shall be initially referred to mediation as part of the pre-trial process and the parties shall first participate in a mediation conference through Court Mediation Services, unless otherwise ordered by the Court. The mediation may be conducted by a certified court mediator or through the Court Mediation Services' Online Dispute Resolution (ODR) program.

**6. WAIVER:** Pursuant to Florida Rule of Civil Procedure 1.700(b), any party may apply to the Court by written motion for good cause, to waive the

mandatory mediation required by this Order prior to filing a notice for trial. The Court may waive such a requirement if it appears that mediation of the issues would not be appropriate under the circumstances of that case or that due to exigent circumstances a hearing before the Court should be expedited. If the mediation has already been scheduled, the parties shall notify the mediator and Court Mediation Services of the waiver at least two business days prior to the scheduled mediation.

7. **PROCEDURE:** If an agreement is not reached through mediation, the mediator shall report the lack of agreement to both the Court and Court Mediation Services. A pre-trial conference with the Judge assigned to the Small Claims docket shall then be scheduled and the Court will provide notice to all parties as required by law.

8. **CONTINUANCES BY THE PARTIES:** A mediation session may be continued if both parties agree in writing to said continuance and notify Court Mediation Services by copy of the signed Stipulation of Continuance prior to or during the mediation. If the parties cannot agree to a continuance, then the party who is requesting the continuance may apply to the Court for a continuance.

9. **ATTENDANCE:** The parties shall attend and participate in the mediation. A party is deemed to appear at a convened Small Claims mediation conference if the named party, the attorney of record, representative of the

corporation (if the party is a corporation), or other individual who has written authority from a named party, is physically present at the commencement of the mediation conference. Any attorney of record, representative of a corporation, or other representative of a named party must appear at the pretrial conference and/or mediation with full authority without further consultation.

**10. RECORD KEEPING:** Court Mediation Services shall keep only a record of the case name, number, assigning judge, mediator, the parties or their representative or attorney, and the outcome of the mediation in all cases referred to Court Mediation Services.

**11. IF AGREEMENT IS REACHED PRIOR TO MEDIATION:** If the parties resolve their case prior to the mediation conference, the parties shall notify the Clerk of Circuit Court for Lake County by filing a dismissal of the action or any settlement agreement entered into.

**12. COMMUNICATIONS DURING MEDIATION:** All communications, verbal or written, between the parties, and from the parties to mediation staff, attorneys, or those involved in the mediation process, made during the mediation, shall be confidential and inadmissible as evidence in any subsequent legal proceeding, unless both parties agree otherwise.

**13. EFFECTIVE DATE:** This Administrative Order shall become

effective immediately for cases as described herein which are ordered to mediation on or after the date of this Administrative Order.

**DONE AND ORDERED** at Tavares, Lake County, Florida, this 17 day of

*January, 2020.*

*Heidi Davis*  
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Heidi Davis  
Lake County  
Administrative Judge