

IN THE COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR (COUNTY NAME) COUNTY, FLORIDA

,
Plaintiff,
vs.

CASE NO.:

,
Defendant.

MEDIATION ORDER

This Court having reviewed the case file in the above styled cause, does hereby find that this case is appropriate for mediation. Whereupon in accordance with the appropriate Florida Statutes and Florida Rules of Civil Procedure, it is, **ORDERED AND ADJUDGED** as follows:

1) This cause is appropriate for the alternative dispute resolution procedures set out in Florida Statute 44.102, et seq., and all parties are therefore ordered to attend a mediation conference.

2) **If the amount of the damages claimed is \$15,000 or less**, the Plaintiff's counsel may contact Court Mediation Services for available dates and times for scheduling the mediation. A notice of mediation must be filed within thirty days (30) from the date of this Order. Pursuant to Fla. Stat. 44.108(2)(c) each person (party) shall be assessed a fee of \$60.00 for each mediation session scheduled with the Court Mediation Services Program.

3) **If the amount of the damages claimed exceeds \$15,000.00** the case does not qualify to use the Court Mediation Services Program. **Within thirty (30) days** of the date of this Order, the parties shall attempt to agree on a private mediator from the list of Florida Supreme Court Certified Mediators (<https://www.flcourts.org/Resources-Services/Alternative-Dispute-Resolution>).

Plaintiff's counsel shall notify the court, in writing, of the date and time for a mediation conference. Absent mutual agreement of selection of a mediator, Plaintiff's counsel shall notify the Court in writing within 45 days of the date of this Order and the Court shall appoint a mediator.

4) As defined by A-2021-13, Mediation is mandatory unless the parties agree to another form of dispute resolution, with Court approval or the Court orders another form of alternative dispute resolution in this matter. If early mediation (prior to completion of discovery) is selected and it does not result in settlement or disposition of this entire action, the parties are required to schedule and attend another mediation at least 45 days prior to the Pre-Trial Conference.

Discovery should be substantially complete prior to Mediation or Arbitration.

5) THE GENERAL RULES GOVERNING THE **MEDIATION CONFERENCE** ARE AS FOLLOWS:

(a) At the conference, counsel should be prepared to discuss the facts and legal issues involved in the cases and to generally assist the parties in evaluating the case.

(b) Unless excused by the Court in advance of mediation, for good cause shown by written motion, corporate parties must send a company representative, other than the attorney, with full authority to settle the case. An insurance carrier must send a company representative, other than the attorney, who has full authority to resolve the matter. Full authority is defined as an amount which is the lesser of the policy limits or the most recent demand of the adverse party. Proceeding to mediation with authority limited to a prior evaluation of the case is not acceptable and may subject a party to sanctions. Telephone authority or limited authority to settle for a pre-set amount is not sufficient.

(c) A public entity required to conduct its business pursuant to Chapter 286, Florida Statutes, shall be deemed to appear at a mediation conference by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body of the entity.

(d) The Court will impose sanctions against any party who fails to attend the mediation conference. The parties shall participate in settlement negotiations until a settlement is reached, or the Mediator declares an impasse.

(e) The parties shall present a summary of facts and issues to the Mediator at least one week prior to the scheduled mediation. All communications, discussions, representations, and statements made at the conference shall be privileged settlement negotiations and not subject to discovery or admissible at trial as provided by law.

(f) An Outcome of Mediation Conference shall be furnished by the Mediator to the Court at the conclusion of the conference advising whether the parties reached an Agreement, No Agreement or the Mediation was not held.

(g) The Plaintiff's attorney is responsible for IMMEDIATELY notifying the Mediator and Court if this case settles prior to the mediation conference or in the event the mediation is to be rescheduled. If the

notice of settlement or rescheduling is received by the Mediator less than 24 hours before the mediation conference, a minimum fee for one (1) hour of mediation service may be incurred.

6) Nothing in this Order shall be construed as a continuance of the Court docket or of any deadline or activity in this case.

DONE AND ORDERED in Chambers at (City), (county name) County, Florida, this (date) .

County Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished using the Florida Court's E-Filing E-Portal, via U.S. Mail, and/or Electronic Mail in accordance with the corresponding addresses listed therein on this _____ day of _____, 2021, to the following:

By: