

**IN THE SECOND JUDICIAL CIRCUIT OF
FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2018-09

**IN RE: SECOND JUDICIAL CIRCUIT ALTERNATIVE DISPUTE RESOLUTION
PROGRAM**

WHEREAS, this Court finds mediation and other forms of alternative dispute resolution to be effective tools to reduce litigation, speed resolution, reduce Court workload, maintain litigant privacy, increase finality, and reduce costs; and

WHEREAS, this Court orders mediation and appoints mediators when required by law; and

WHEREAS, rule 1.810(a), Florida Rules of Civil Procedure, requires that the Chief Judge shall maintain a list of qualified persons to serve as arbitrators; and

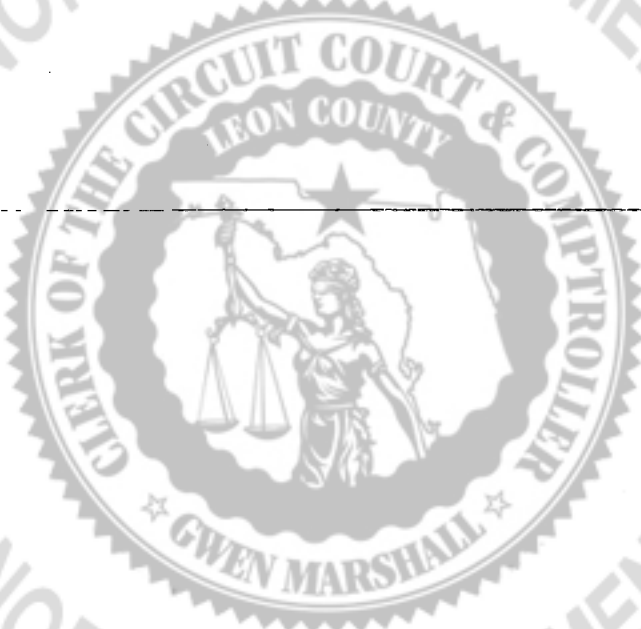
WHEREAS, Supreme Court of Florida Administrative Order No: AOSC14-64, In Re: Parent Coordinator Application Form and Training Standards, requires "the chief judge or designee(s)...shall review each application and determine which individuals applying to serve as parent coordinators meet the qualifications....to be included on a list of qualified parent coordinators for that circuit. Further, each judicial circuit shall establish and maintain a list of parent coordinators from which the court may appoint a qualified parent coordinator;"

WHEREAS, the Florida Legislature has enacted numerous changes to Chapter 44, Florida Statutes, which addresses some or all of the subject matter of these administrative orders and has superseded many provisions thereof; and

WHEREAS, this Court previously entered Administrative Order 06-05 regarding court ordered mediation services and it is outdated or obsolete and must be rescinded to conform to current statutes and procedures; and

NOW, THEREFORE, pursuant to the authority conferred by Rule 2.215, Florida Rules of Judicial Administration, it is **ORDERED** as follows:

1. An Alternative Dispute Resolution (ADR) Unit for the Second Judicial Circuit is hereby re-established by the Court, under the supervision of the Office of Court Administration. The ADR Unit shall be responsible for establishing and executing procedures relating to family, juvenile dependency, Unified Family Court, small claims, and county civil alternative dispute resolution matters which are the responsibility of the Court, except for all referrals made by the Court from a list of Court-appointed mediators or to private mediators. All mediators which conduct Court-ordered mediations shall be certified by the Supreme



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Court of Florida in the area of certification which is applicable to the type of case being referred.

2. The provisions of Chapters 39, 44, and 61, Florida Statutes, and the applicable provisions of the Florida Rules of Civil Procedure, Florida Rules of Family Law Procedure, and Florida Rules of Juvenile Procedure, and any amendments thereto, as they relate to mediation, are hereby adopted, and incorporated into this Order, and shall become the procedure to be utilized by the ADR Unit, which includes, but is not limited to, setting mediation conferences and establishing the appropriate fee schedule for the Second Judicial Circuit. The fees required by those statutes shall be paid in full by the parties prior to the scheduled mediation session. Failure to pay all mediation fees prior to the mediation session may result in the cancellation of the mediation session and may result in the Court's imposition of sanctions.

3. The Clerks of the Circuit Court for each county shall collect all applicable fees and remit them to the Florida Department of Revenue for deposit into the State Courts Revenue Trust Fund and submit to the Chief Judge, no later than 30 days after the end of each quarter, a report specifying the amount of funds collected during each quarter of the fiscal year as provided by section 44.108, Florida Statutes.

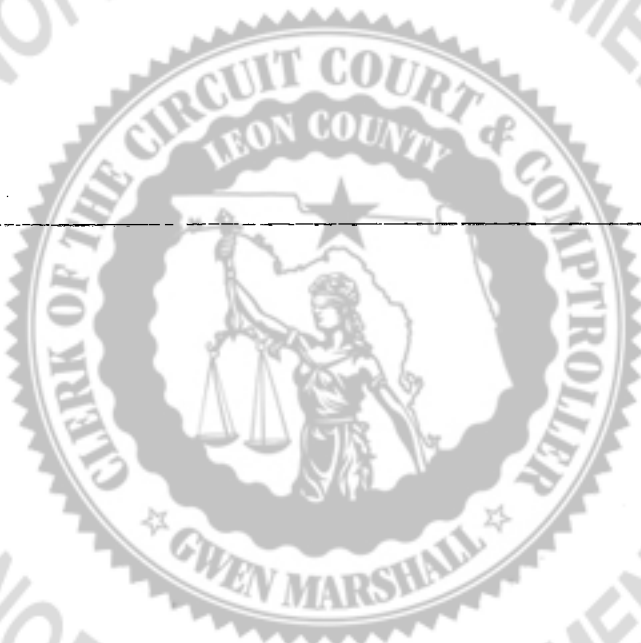
4. All matters pertaining to those divisions set forth in paragraph 1 hereof, which the presiding judges deem appropriate shall be referred to mediation on any contested issue, other than temporary injunctions for domestic and repeat violence, and shall participate in mediation prior to final hearing or trial. The mediator shall report that mediation is completed prior to final hearing or trial. The presiding judge shall refer all actions described herein to mediation by an order incorporating all requirements of the statutes or rules relating to the division in which the case is pending. All orders of referral shall be standardized within such divisions.

5. FAMILY LAW (excluding Dependency): Parties may request to appear telephonically for the mediation conference by contacting the ADR Unit, at least 10 days prior to the mediation conference so long as the following criteria are met:

a. The litigant resides more than 100 miles from the mediation conference location and the litigant has submitted proof that their permanent and physical residence is more than 100 miles from the mediation conference location; or,

b. The litigant has a verifiable medical reason confirmed by a medical professional that prevents the litigant from being able to physically appear and the litigant has submitted proof from the medical professional to the ADR Unit with the request to appear telephonically; and

c. The litigant must have the ability to receive and send documents via facsimile or email during and at the conclusion of the mediation conference unless a party is incarcerated and then the correctional facility policies shall apply.



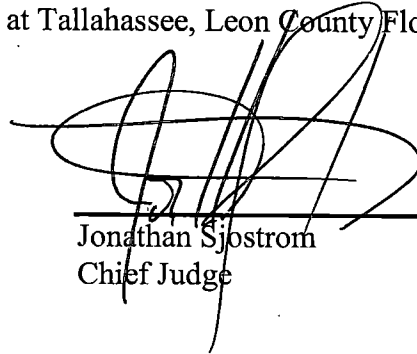
6. The Director of the ADR Unit shall manage all alternative dispute resolution functions, be responsible for all alternative dispute resolution revenues and expenses and maintain a list of qualified persons to serve as arbitrators and parent coordinators.

7. The Director of the ADR Unit shall collect and analyze statistical information on all Court-appointed circuit mediations each month, identifying the type and number of cases mediated, and any other relevant data.

8. Nothing contained herein shall abrogate the rights and/or obligations required by any statute.

9. Administrative Order 2006-05 is hereby rescinded.

1st DONE AND ORDERED, in chambers at Tallahassee, Leon County Florida, this
day of *June* 2018.



Jonathan Sjoström
Chief Judge

cc: All Judges, Second Judicial Circuit
All Clerks of Circuit Court, Second Judicial Circuit

