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05/24/2006 at 09:46 AM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2006-05

IN RE: SECOND JUDICIAL CIRCUIT ALTERNATIVE DISPUTE RESOLUTION PROGRAM

WHEREAS, rule 2.050(b)(2), Florida Rules of Judicial Administration, provides that "The chief judge shall exercise administrative supervision over all courts within the judicial circuit in the exercise of judicial powers and over the judges and officers of the court"; and

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, from time to time, this court has executed administrative orders relating to the court-appointed mediation, to-wit: Administrative Order 92-01, In Re: Administrative Provisions for Family Law Division, dated May 21, 1992, as amended June 27, 1997; Administrative Order 93-03, In Re: Leon County Court Mediation Procedures, dated March 4, 1993; Administrative Order 97-02, In Re: Juvenile Dependency Mediation, dated March 18, 1997; Administrative Order 01-07, In Re: Administrative Procedures for Family Mediation Services, dated September 12, 2001; and Administrative Order 2004-01, In Re: Unified Family Court, dated February 6, 2004; and

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Chapter 44, Florida Statutes, which addresses some or all of the subject matter of these administrative orders and has superseded many provisions thereof; and

NOW THEREFORE, it is **ORDERED THAT**:

1. An Alternative Dispute Resolution Program for the Second Judicial Circuit is hereby re-established by the Court, under the administration of the

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Office of Court Administration for the Second Judicial Circuit. The Alternative Dispute Resolution Program 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 Court of Florida in the area of certification which is applicable to the type of case being referred. The orders shall set deadlines for the time period in which mediation should be conducted, and, if it fails, when trial, adjudicatory hearing or final hearing shall be held.

2. The provisions of Chapters 39, 44, and 61, Florida Statutes, and the applicable provisions of the Florida Rules of Civil Procedure, Family Procedure, and 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 Alternative Dispute Resolution Program, which includes, but is not limited to, setting cases for mediation 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 shall 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 Mediation and Arbitration 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(2), 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, with the exception of domestic relations related matters, in which case, any party who seeks to schedule a final hearing (modifications) or trial (original actions) on any contested issue other than temporary injunctions for domestic and repeat violence, shall first participate in mediation. The mediator shall certify that mediation is completed prior to either party scheduling a 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 or referral shall be standardized within such divisions.

5. The Director of Alternative Dispute Resolution shall report to the trial court administrator, manage all alternative dispute resolution functions, be responsible for all alternative dispute resolution revenues and expenses to

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include the collection of fees, and maintain a list of qualified persons to serve as arbitrators;

6. The Director of Alternative Dispute Resolution shall collect and analyze statistical information on all Court-appointed circuit mediations each month. These data shall identify the type of case mediated, the mediators used, the number of cases mediated, the outcome, and other relevant data.

7. The mediation services coordinator for county mediations shall report to the Director of Alternative Dispute Resolution and be responsible for assigning cases to available mediators on the dates and times for which mediation is scheduled; recruiting, training, and liaising with volunteer mediators; and report weekly on the status of county mediation.

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

9. Administrative Order 92-01, In Re: Administrative Provisions for Family Law Division, dated May 21, 1992, as amended June 27, 1997; Administrative Order 93-03, In Re: Leon County Court Mediation Procedures, dated March 4, 1993; Administrative Order 97-02, In Re: Juvenile Dependency Mediation, dated March 18, 1997; and Administrative Order 01-07, In Re: Administrative Procedures for Family Mediation Services, dated September 12, 2001 are hereby rescinded effective the date signed below. Administrative Order 2004-01, In Re: Unified Family Court, paragraph D, dated February 6, 2004 shall be amended as follows: the reference to Administrative Order 92-01 shall be deleted. The remainder of Administrative Order 2004-01, and all amendments thereto remain in full force and effect, except for provisions inconsistent with and superceded by this Order, effective the date signed below.

DONE AND ORDERED, in chambers at Tallahassee, Leon County, Florida, this 19th day of May, 2006.

Charles A. Francis

CHARLES A. FRANCIS
CHIEF JUDGE

cc: All Judges, Second Judicial Circuit
All Clerks of Circuit Court, Second Judicial Circuit
Public Defender, Second Judicial Circuit
State Attorney, Second Judicial Circuit

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