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Page 1 of 4 B: 599 P: 767, Holmes County, Clerk of Court Holmes, County.
By: KK
Deputy Clerk

**IN THE CIRCUIT COURT, THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR HOLMES COUNTY**

ADMINISTRATIVE ORDER # 2020-04-01

RE: COUNTY COURT MEDIATION PROGRAM

IN ORDER TO PROVIDE for the requirements of the County Court Mediation Program (hereinafter referred to CCMP) within County Court in Holmes County, Florida; and

WHEREAS, due to increased filings in small claims and county courts and the recent change in jurisdictional limits within these named courts, it became necessary to implement and strictly adhere to procedures that will maximize the court's resources while at the same time maintaining the effectiveness of mediation in the County Court Civil Division, and:

WHEREAS, mediation is a process whereby a neutral third party acts to encourage the resolution of disputes through a non-adversarial process and assists the parties in reaching a mutually acceptable agreement, and;

WHEREAS, the mediation process has proven to be a judicial process that improves the efficiency and proper administration of justice for litigants, and;

WHEREAS, the Florida Rules of Judicial Administration 2.215(b)(3) state that the chief judge shall "develop an administrative plan that shall be filed with the supreme court and shall include an administrative organization capable of effecting the prompt disposition of cases; assignment of judges; other court officers, all other court personnel; control of dockets; regulation and use of courtrooms; and mandatory periodic review of the county jail."

THEREFORE, IT IS ORDERED AND ADJUDGED that the following procedures related to the CCMP shall be implemented within Holmes County, Florida:

I. JUDICIAL ADMINISTRATION

The CCMP in Holmes County shall be administered and coordinated by the Mediation Services Coordinators under the supervision of the circuit's Alternative Dispute Resolution (ADR) Director and the County Judge at the discretion of the Chief Judge of the Circuit.

II. 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 party of a civil case to mediation.

III. REFERRAL TO MEDIATION

1. All contested small claims cases shall be referred to mediation automatically by this administrative order. The parties shall attempt mediation at the Pre-Trial Conference. The Notice of Pre-Trial Conference shall contain standard information regarding the referral to mediation.

2. All contested county civil cases shall be referred to mediation. For cases with a statement of claim above \$15,000.00, the parties shall within ten (10) days of the entry of the Order of Referral to Mediation submit to the court a stipulation as to the designation of the mediator to the assigned judge. For cases with a statement of claim of less than \$15,000.00, the parties may utilize a court program mediator or a private mediator.

3. Landlord Tenant/Eviction Cases shall be referred to mediation on a case-by-case basis at the discretion of the presiding judge.

IV. COURT-CONNECTED AND PRIVATE MEDIATORS

1. The CCMP will only utilize Florida Supreme Court certified mediators. The CCMP will utilize the services of both volunteer and staff mediators.

2. All small claims cases will be mediated by the CCMP, either with a volunteer mediator or a staff mediator. In county court cases (not small claims) parties have the option of utilizing the services of the CCMP if the statement of claim is under \$15,000.00

3. In Landlord Tenant/Eviction cases, those mediations will be conducted by volunteer or staff mediators.

4. For county civil cases in which the statement of claim is over \$15,000, the parties are required to utilize a private mediator.

5. Pursuant to 44.102(4) Florida Statutes, a list of certified county mediators shall be maintained by the Fourteenth Judicial Circuit's Alternative Dispute Resolution Program. Please contact countymediation@jud14.flcourts.org for a list of county certified mediators.

V. SCHEDULING

1. Small Claims: Each case on the 1:00 p.m. pre-trial docket will be assigned a mediator and the case will be mediated the same day.

2. County Civil Cases under \$15,000: Contested county civil matters with a statement of claim under \$15,000 will be scheduled for mediation with the CCMP upon notice of a contested answer filed in each case.

3. County Civil Cases over \$15,000: Contested county civil matters with a statement of claim over \$15,000 shall be referred to private mediation. The parties shall have ten (10) days from the date of the court's mediation referral order within which to schedule their first mediation session with a mediator. If the parties do not select their own mediator in accordance with Rule of Civil Procedure 1.720(j)(2) within ten (10) days of the Order of Referral, the CCMP will select a mediator by rotation and the court will enter an order assigning said mediator.

4. **Landlord Tenant/Eviction Cases:** Cases may be referred to mediation on a case-by-case basis. Upon referral, the CCMP will make best efforts to schedule a mediation within ten (10) days.

VI. APPEARANCE AT MEDIATION

1. **Appearance by Attorney Only:** Attorneys may appear on behalf of a party at mediation. Should an attorney appear on behalf of a party, they must have full authority to settle the matter without further consultation.
2. **Telephonic Appearance for Small Claims:** For small claims pre-trial mediation, telephonic appearance is approved by the court. The following requirements must be met in order to appear telephonically. The party requesting telephonic appearance must have scanning and emailing capabilities during the mediation. Notice of telephonic appearance must be emailed to countymediation@jud14.flcourts.org no later than ten (10) days prior to the scheduled mediation.
3. **Telephonic Appearance for County Civil:** To request telephonic appearance for a county civil mediation, the requesting party should make that request to the CCMP by emailing countymediation@jud14.flcourts.org as well as provide notice to the opposing party. The request must be made no later than ten (10) days prior to the scheduled mediation and must include the attorney's name, contact number, and the case number. The party requesting telephonic appearance must have scanning and emailing capabilities during the mediation.
4. **Failure to Appear at Mediation:** If a party fails to appear at a scheduled mediation session without good cause, without adequate notice of cancellation or without full authority to settle, the mediator shall file with the court an Outcome of Mediation reflecting such failure to appear. Willful refusal to appear at a required and scheduled mediation session shall place the offending party in jeopardy of sanctions by the court, including contempt of court, assessment of mediator and attorney fees and other costs, the striking of pleadings or portions thereof, and any other sanctions deemed appropriate by the court.

VII. FEES FOR MEDIATION

1. Small claims and Landlord/Tenant eviction cases: Mediation fees are not assessed for these type cases.
2. County Civil Cases: Mediation fees are assessed to each party in a county civil case, pursuant to 44.108, Florida Statutes. For cases under \$15,000 each party is assessed \$60 per one hour session. A husband and wife who are either both defendants and both plaintiffs in a suit are one "party" for the purposes of assessing mediation fees. All fees are paid to the Clerk of Circuit Court prior to the mediation. Parties shall provide proof of payment to the mediator assigned to their case, either a paid receipt or a Certificate

of Indigence by the Clerk of Circuit Court. For cases over \$15,000 the parties must utilize a private mediator. In such cases, the parties must compensate the mediator at the rate agreed to by the mediator and the parties.

3. Session Length: A "session" for court-provided mediation is one scheduled mediation. The mediator must obtain written consent of all parties to continue the mediation beyond the initial session. Such consent must contain a statement from the parties that they understand an additional mediation fee must be paid by each non-indigent party to the Clerk of the Circuit Court pursuant to section 44.108, Florida Statutes.

DONE AND ORDERED at Panama City, Florida on this 23rd day of January, 2020.



CHRISTOPHER N. PATTERSON
CHIEF JUDGE