

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.803-07/20\*

IN RE: COUNTY COURT CIVIL MEDIATION PROGRAM

Pursuant to sections 44.102, Florida Statutes, and Florida Rule of Civil Procedure 1.700, judges have the authority to order most types of contested county and small claims cases to mediation prior to trial. To make mediation more accessible, the Legislature enacted section 44.108, Florida Statutes, which provides funding for mediation services provided by a circuit court's mediation program. The Florida Supreme Court subsequently adopted Standards of Operation and Best Practices for Alternative Dispute Resolution Services in Florida's Trial Courts. Fla. Admin. Order No. 09-19 (May 6, 2009) (on file with the Clerk, Fla. Sup. Ct.). Based on these provisions, the Fifteenth Judicial Circuit has established an Alternative Dispute Resolution Office ("ADR Office") to facilitate court-provided mediation services in certain cases. See 15th Cir. Fla. Admin. Order No. 2.801-9/08 (as amended).

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

The ADR Office offers the following services for County Court cases judicially referred to mediation where the amount in controversy is \$15,000 or less. The Legislature has not created a mechanism for funding mediations in civil cases where the amount in controversy is \$15,000 or more and, therefore, the ADR Office does not offer mediation services for those cases.

- a. Low Cost Mediation Provided by Certified County Court Mediators who are Contracted or on Staff With the ADR Office.
  - i. In County Court cases judicially referred to mediation where the amount in controversy is \$15,000 or less, the Court shall utilize a Certified County Court mediator who is contracted with the ADR office or on staff when: 1) the parties fail to designate their own mediator as outlined in Florida Rule of Civil Procedure 1.720(j), and 2) Volunteer Mediation is not available or appropriate.

- ii. With the exception of parties who have been determined indigent or parties to a small claims or residential eviction case, each party referred to the ADR Office for mediation shall pay the statutory \$60 per party, per session fee to the Clerk of Court. § 44.108(2)(c), Fla. Stat. (2019).
  - iii. Fees are due and owed once mediation is scheduled and noticed, regardless of whether the parties appear for mediation.
  - iv. If a party fails to pay the assessed mediation fee, non-payment will be reported to the Court by the ADR director and the Court may issue an Order to Show Cause.
  - v. No successive or continued mediation session will go forward until the outstanding mediation fees are made current with the Clerk.
  - vi. If mediation does not go forward because one of the parties failed to appear or failed to pay the assessed fee, the party who failed to appear/pay the fee will be assessed for the missed session and may be assessed both parties' mediation fees if another session is ordered by the Court or agreed to by the parties.
- b. No Cost Mediation Services Provided by Certified County Court Volunteer Mediators ("Volunteer Mediation"):
- i. Volunteer Mediation will be provided to all contested Small Claims cases immediately prior to or after the scheduled pretrial conference. See Fla. R. Civ. P. 1.750(c); Fla. Sm. Cl. R. 7.090(f). To ensure that sufficient volunteer mediators are available, judges should provide their small claims pretrial dockets to the ADR Office three days in advance of the scheduled pretrial conferences.
  - ii. Based on availability, Volunteer Mediation services may be provided to Residential Eviction Cases immediately before a final hearing or rent determination hearing when requested by the referring judge. The referring judge should coordinate with the ADR office to ensure the scheduled mediation and hearings occur on a day and time that volunteer mediators are available.
  - iii. Based on availability, Volunteer Mediation services may be provided to other county court cases where the amount in controversy is \$15,000 or less prior to or after a scheduled case management conference when requested by the referring judge. The referring judge should coordinate with the ADR

office to ensure the scheduled mediation and case management conference occur on a day and time that volunteer mediators are available.

**DONE** and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 31st day of July, 2020.

A handwritten signature in black ink, appearing to read "Krista Marx", written over a faint horizontal line.

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Krista Marx  
Chief Judge

\*Supersedes Admin. Order No. 2.803/9.08. Substantial changes were made to the organization and substance of this order making it impractical to denote the changes in bold.