

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES,
FLORIDA**

ADMINISTRATIVE ORDER NO. 3-10.0

CIVIL MEDIATION PROGRAM

(NON-FAMILY)

WHEREAS, Florida Rule of Judicial Administration 2.050 fixes administrative responsibility in the Chief Judge of the Circuit Court and directs the Chief Judge to develop a plan for the most efficient administration of all courts in the circuit; and

WHEREAS, the Florida Legislature has passed 1987 Florida Law 87-173 creating sections 44.301-06, Florida Statutes, which mandate that the Chief Judge certify and maintain a list of qualified persons who may be appointed to serve as mediators in accordance with standards established by the Supreme Court;

WHEREAS, alternative dispute resolution programs, both in the State of Florida and nationally, have proven to be effective methods for relieving caseloads and providing parties with a more efficient and satisfying alternative to the traditional judicial process; it is, therefore,

ORDERED AND DIRECTED that:

1. The Civil Mediation Program (Non-Family) is hereby established in Polk County, for the Tenth Judicial Circuit Court.
2. The purpose of the Civil Mediation Program is to facilitate discussion between parties to civil actions in an effort to reach an agreement acceptable to the parties which resolves their dispute without the necessity of a court hearing and to provide parties to civil actions with a fair, efficient, and satisfying alternative to the traditional judicial process.
3. The Civil Mediation Program shall be governed by a mediation committee which shall adopt rules and policies to implement the program and to recruit, train, and supervise mediators. These rules shall be consistent with any rules of practice and procedure adopted by the Supreme Court of Florida. The Court may amend these rules and policies at its discretion at anytime within the parameters of the mediation program's administrative order and existing law and rules or to conform to new administrative orders or to changes in law applicable to mediation of civil claims. In the event that these rules conflict with a provision of a Rule established by the Supreme Court, the rule of Court shall prevail.
4. The Administrative Judge of the Civil Division shall be the initial chairman of the mediation committee and shall appoint committee members. The committee shall include in the rules it adopts provisions governing the future appointment and composition of the mediation committee.
5. The mediators shall have authority to consult and conduct conferences with parties, representatives of the parties and counsel as established by rules of the Florida Supreme Court and the Tenth Judicial Circuit. The mediators shall report to the Court the results of such conferences..
6. Circuit Court mediators shall be compensated as per agreement between participating parties or as regulated by the rules of the mediation committee referred to in Paragraph Four.
7. Mediators shall be assigned according to the list maintained by the Chief Judge of certified and qualified persons. Parties may directly contract with individual accredited members, by mutual consent prior to filing any contested civil matters.
8. The content of mediation proceedings shall be privileged in accordance with existing Florida law.
9. The Court Administrator's office shall issue periodic reports on the levels of activities throughout the calendar year. such reports shall be forwarded to the mediation committee members who shall meet on a regular basis to review the existing program.
10. The Courts for Hardee and Highlands Counties are hereby authorized to establish civil mediation programs under this rule provided they first establish a civil mediation committee, which shall adopt rules and policies consistent with this Order. Each such mediation committee shall be chaired by the Administrative Judge of the Civil Division in which the program is to operate.

DONE AND ORDERED at Bartow, Polk County, Florida, this 27th day of September, 1988.

WILLIAM A. NORRIS, JR.

Chief Judge

