

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. PA/PI-CIR-96-63 S1096063

**RE: ARBITRATION AND MEDIATION PROGRAM
CIRCUIT CIVIL AND FAMILY CASES**

By Administrative Order 88-59, the Arbitration and Mediation Program (Program) for the Sixth Judicial Circuit was established in Pasco and Pinellas Counties pursuant to Chapter 87-173, Laws of Florida and procedures were established for the referral of civil cases to mediation and arbitration; and

By Administrative Order 91-40, the Family Mediation Division of the Program in Pinellas County and by Administrative Order 95-1, the Pasco County Family Mediation Division were established pursuant to Chapter 90-188, Laws of Florida and changes in the supreme court rules governing mediators and arbitrators; and

In order to implement procedures of the newly adopted Florida Family Law Rules of Procedure, changes in the Florida Rules for Certified and Court-Appointed Mediators, Florida Rules for Court-Appointed Arbitrators and Florida statutes; and

In order to continue the uniform procedures for the referral of cases by the court to either mediation or arbitration, it is hereby

ORDERED:

A. The Arbitration and Mediation Program

1. The existence of the Arbitration and Mediation Program for the Sixth Judicial Circuit, established in Pasco and Pinellas Counties in 1988 for the referral of civil cases; the Family Mediation Division of the Program in Pinellas County, established in 1991, and the Family Mediation Division of the Program in Pasco County, established in 1995, shall be affirmed and shall be considered continued from the dates of establishment stated herein.
2. The Program shall operate in accordance with this order under the supervision of the Office of the Courts Administrator. The Program shall perform such duties as are assigned by the chief judge, the civil and family law administrative judges in Pinellas County and the Pasco County administrative judge.
3. The civil administrative judge in Pinellas County shall be responsible for the judicial administration of the Program as it relates to circuit civil cases referred to arbitration and mediation in Pinellas County.
4. The family administrative judge in Pinellas County shall be responsible for the judicial administration of the Program as it relates to family law cases referred to arbitration and mediation in Pinellas County.
5. The Pasco County administrative judge shall be responsible for the judicial administration of the Program as it relates to all cases referred to arbitration and mediation in Pasco County.
6. The Program shall:
 - a. provide administrative support to the courts in accordance with applicable rules of civil procedures, rules for court-appointed arbitrators, rules for certified and court-appointed mediators, family law rules of procedures and Chapter 44, Florida Statutes.

- b. establish scheduling policies for court-ordered arbitration and mediation proceedings.
- c. promulgate the necessary forms for the administration of the Program, including form Orders of Referral to be utilized by the court in referring cases to arbitration and mediation.
- d. maintain a list of mediators who are certified by the Florida Supreme Court and who are willing to serve the court in such capacity in this circuit. If the parties do not select a mediator in accordance with the order of referral, the Program shall appoint by rotation a mediator from the list of certified mediators.
- e. maintain a list of persons who have been determined by the chief judge to be qualified as arbitrators and who have agreed to serve as arbitrators in this circuit. If the parties do not select an arbitrator in accordance with the order of referral, the Program shall appoint by rotation an arbitrator(s) from the list of qualified arbitrators.
- f. be responsible for the management of cases referred to arbitration or mediation.
- g. maintain required statistical information.
- h. perform such other duties as assigned to the Program.

B. Arbitration

1. Arbitration shall be conducted in accordance with Fla. R. Civ. P. 1.700, *et seq.*, and 1.800 *et seq.*, Florida Rules For Court-Appointed Arbitrators. 11.010 *et seq.*, Chapter 44, Florida Statutes, orders of referral, and instructions of the Program regarding the arbitration process.
2. The Court may refer any contested civil action filed in a circuit court to nonbinding arbitration. Two or more parties who are involved in a civil dispute may agree in writing to submit the controversy to voluntary binding arbitration. Once the cause has been referred to nonbinding arbitration or the parties have submitted a written agreement for voluntary binding arbitration, the Program shall appoint the arbitrator(s) and set the date and time of the arbitration hearing unless otherwise agreed to by all the parties.

C. Mediation

1. Mediation shall be conducted in accordance with the Fla. R. Civ. P. 1.700, *et seq.*, Fla. Fam. L. R. P. 12.740, *et seq.*, Florida Rules For Certified and Court Appointed Mediators 10.020, *et seq.*, Chapter 44, Florida Statutes, orders of referral, and instructions of the Program regarding the mediation process.
2. All matters regarding mediation, including all motions shall be heard by the presiding judge.
3. After a cause is referred to mediation, counsel of record shall:
 - a. copy and submit all papers and correspondence as required by the civil and family administrative judges in Pinellas County, the Pasco County administrative judge or the Program; and
 - b. prepare and present any appropriate judgment, order or notice of dismissal on stipulation of the parties in accordance with a mediated settlement.

D. Compensation of Arbitrators and Mediators

1. In court-ordered, nonbinding arbitration, compensation for each arbitrator shall not exceed \$200.00 per day, unless otherwise agreed by the parties and approved by the court. Whenever possible, qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. In accordance with §§44.103(3) and 44.108, Fla. Stat., volunteer arbitrators shall be entitled to be reimbursed pursuant to §112.061, Fla. Stat., for all actual expenses necessitated by service as an arbitrator.

2. In voluntary binding arbitration, arbitrators shall be compensated according to their agreement with the parties. No arbitrator shall be paid an amount less than \$75.00 per day.

3. In mediation of circuit civil cases, if the parties select the mediator, the mediator shall be compensated at the rate agreed to by the mediator and the parties. If the Program selects the mediator by rotation, the mediator shall be compensated at the rate of not more than \$125.00 per hour. The mediator's fee shall be paid in accordance with the Order of Referral to Mediation.

4. In mediation of family law cases, the parties will be required to compensate the mediator if the court determines they have the financial ability to pay the mediator's fee. If the parties select the mediator, the mediator shall be compensated at the rate agreed to by the mediator and the parties. In the absence of a written agreement providing for the mediator's compensation, the mediator shall be paid at the rate of not more than \$125.00 per hour . If the parties are financially unable to compensate the mediator from their own funds, the mediator shall be appointed and compensated in accordance with the administrative order(s) governing mediator compensation in indigent causes.

Pasco and Pinellas Administrator Orders 88-59, 88-155, 88-163, 89-59, 89-60, 89-109, 89-137, 89-163, 89-164, 90-24, 90-60, 90-61, 90-87, 90-110, 90-137, 90-172, 91-14, 91-88, 91-122, 91-169, Pasco Administrative Orders 85-3, 86-88, 88-70, 90-58, 90-72, 91-16, 91-23, 91-51, 91-88, 92-169, 93-64, 93-147, 94-12, 94-44, 94-88, 94-102, 94-103, 94-104, 95-01, amended 95-01, 95-121, 95-129 and Pinellas Administrative Order 90-40 are hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this **27th** day of **June**, 1996.

/s/Susan F. Schaeffer
Susan F. Schaeffer, Chief Judge