

**Fifth District Court of Appeal, State of Florida
300 South Beach Street, Daytona Beach, FL 32114**

**ADMINISTRATIVE ORDER
A05D06-03 (Amended)¹**

IN RE: IMPLEMENTING APPELLATE MEDIATION PROGRAM

Pursuant to the affirmative vote of the judges of this Court and the approval of the Florida Supreme Court by Administrative Order dated April 16, 2001, the Court hereby memorializes the following procedures for administration of appellate mediation in civil cases.

1. The Court hereby authorizes the mediation program as set forth herein.
2. The Court shall select civil cases from throughout the district for mediation as it deems appropriate. A motion for mediation, or to opt out of mediation for good cause, can be made by any party for the Court's consideration. Mediation may be ordered in any case in which all parties stipulate in writing for mediation.
3. No mediators will be employed by the Court. All mediators conducting mediations must be certified by the Florida Supreme Court as family, circuit civil, dependency or appellate mediators and must have applied and agreed to conduct the mediations pursuant to the requirements of the Court. Mediation shall be conducted by a mediator selected by the parties, at the cost of the parties. If the parties cannot agree on a mediator, the Court will appoint a mediator and establish the terms of the mediation. Upon motion, to avoid financial hardship and for good cause shown, the Court can appoint a pro bono mediator from the Court's list of mediators who have qualified to serve in that capacity, as stated above. The

¹ This Administrative Order was originally entered on August 14, 2006.

mediator selected may direct the parties and attorneys for the parties to appear before him or her for mediation, and may direct such other actions as may aid the parties in resolving the case.

4. The parties will receive an automatic extension of all deadlines upon receipt of the mediation questionnaire from the Court. In the event the Court orders the case to mediation, all appellate deadlines will be tolled for up to 45 days until the mediation is completed, unless there is an approved extension of time for special circumstances. In the event that the case is not accepted for mediation, all deadlines will begin to run from the date of the order informing the parties that the case has not been accepted for mediation.

5. The parties shall be required to submit preliminary mediation information and mediation summaries as directed by the Mediator.

6. Mediation sessions will be conducted in person at a location selected by the mediator, or by either a telephone conference or video conference using Zoom, Microsoft Teams or a similar application, if permitted by the Court. The mediation session shall be completed within 45 days after the order directing mediation, absent a court order to the contrary.

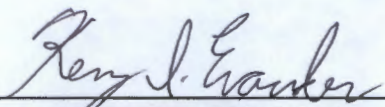
7. Parties with full settlement authority and counsel are required to attend mediation, unless excused from attendance by the Court. Failure of an attorney or party to appear for a duly scheduled mediation conference or otherwise comply with the appellate mediation program procedures, without good cause, may result in the imposition of sanctions by this Court, including attorney's fees, the striking of any party's briefs, denial of oral argument or dismissal of the appeal.

8. All appellate mediation sessions shall be confidential as provided by Florida Law, and the mediation will be conducted in accordance with the Florida Rules For Certified and Court-Appointed Mediators.

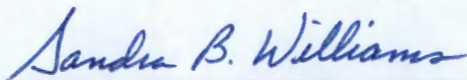
9. All written notices with respect to mediation issued by this Court shall have the full force and authority of an order of this Court, and sanctions may be imposed by the Court for any violation thereof.

10. Based on any agreement reached in mediation, the Court may enter an appropriate order that will control all subsequent proceedings, unless modified by the Court to prevent manifest injustice.

DONE AND ORDERED in Daytona Beach, Florida, on this 30th day of November, 2020.


Kerry I. Evander, Chief Judge

ATTEST:


Sandra B. Williams, Clerk of Court

