

**FORECLOSURE MEDIATION  
PRACTICE AND PROCEDURES  
EIGHTEENTH JUDICIAL CIRCUIT, SEMINOLE COUNTY, FLORIDA**

Certain requirements for foreclosure mediation were instituted by Amended Administrative Order No. 09-09-S on January 29, 2009 which supersedes A.O. 08-20-S on July 23, 2008. The basic requirements and procedures are as follows:

1. The Order applies only to owner occupied residential foreclosure cases in which a responsive pleading or paper raising viable defenses or seeking affirmative relief has been filed by any named defendant. Only the named defendants that file responsive documents are encompassed within the requirements of the order.
2. In cases affected by the administrative order, prior to the court scheduling any hearing for final disposition, mediation is required. The Plaintiff, as initiating party, is required to schedule the mediation with all responsive defendants.
3. The parties may choose any mediator. As an option, and in order to facilitate prompt and affordable mediation services the Circuit Court, Seminole County formed, and referenced in the Administrative Order, a panel of mediators, referred to as the Fixed Fee Foreclosure Mediation Panel. A list of the panel mediators can be obtained through the Seminole County Mediation Department.
4. The Fixed Fee Foreclosure Mediation Panel operates according to certain set procedures and requirements together with forms and orders previously approved by the court. All mediators are Supreme Court Certified Circuit Civil Mediators. Specific mediators are randomly assigned to cases based upon the mediation date selected by the plaintiff's attorney.

**GENERAL INFORMATION  
SEMINOLE COUNTY FIXED FEE FORECLOSURE MEDIATION PANEL**

1. The Seminole County Foreclosure Mediation Panel was implemented by the Circuit Judges of the 18<sup>th</sup> Judicial Circuit to provide affordable and efficient mediation services in conjunction with the Administrative Order which requires mediation in residential foreclosure actions. The parties are not required to use the Seminole County Fixed Fee Foreclosure Mediation Panel. None of the practices and procedures of the Fixed Fee Mediation Panel apply to private mediations.
2. Mediators on the Seminole County Foreclosure Mediation Panel are Supreme Court Certified Circuit Civil mediators accepted as qualified by the Judges of the Eighteenth Judicial Circuit. The mediators are assigned at random based upon their availability and the dates and times of mediation session selected by the parties.
3. The mediation sessions are set fixed time durations of 1 ½ hours per session. If the parties are aware of additional needs of their case double or multiple sessions can be booked. The initial session duration was set by the Circuit Judges as a reasonable estimated time to either settle the case or, at a minimum, determine the intentions of the parties. The parties may make sufficient progress in the initial session to settle the case outside of mediation or to set an additional session or sessions as needed.

4. Services of the Seminole County Foreclosure Mediation can be arranged through the Seminole County Mediation department. Specific procedures and forms have been adopted by the Court to provide uniformity and efficiency of administration.

5. The fixed fee payable by the plaintiff was determined by the Circuit Judges as a reasonable method to provide the mediation services and to facilitate the setting of the mediation sessions. The set mediation fee of \$250 for a fixed session was felt by the courts to be not more than, and likely equal to or less than, the mediation fee that would be paid by the plaintiff if private mediations were booked in the open market. Payments are to be made directly to the assigned mediator in the course of confirming the mediation session. Failure to pay the assigned mediator the fee can result in sanctions being enforced by the Circuit Court.

6. The steps and requirements for use of the Seminole County Fixed Fee Foreclosure Mediation Panel are as follows:

### **STEPS TO CONDUCT MEDIATION SEMINOLE COUNTY FORECLOSURE MEDIATION PANEL**

STEP 1. The plaintiff initiates the process by contacting the Seminole County Mediation Department at 407-665-4039 for reservation of prospective mediation dates. The information which identifies the assigned mediator for each specific date and time will be provided to plaintiff's counsel by the Mediation Department. Different mediators are assigned to different dates. Each session is for a set time of 1 ½ hour and a fixed fee of \$250.00 payable by the plaintiff.

STEP 2. Plaintiff's counsel makes two (2) attempts to contact the required defendants to coordinate an agreed mediation time. The two (2) attempts are not to be made in the same day. If the defendants fail to cooperate in scheduling, then mediation may be set unilaterally at least thirty (30) days out and the form- **PLAINTIFF'S CERTIFICATION COMPLIANCE WITH PROCEDURES FOR SETTING MEDIATION UNILATERALLY - SEMINOLE COUNTY FORECLOSURE MEDIATION PANEL** must be filled out and attached to the Notice of Mediation and sent to all parties-see following page for more details.

STEP 3. When the specific date and time has been agreed by the proper parties or properly unilaterally set, the Plaintiff's counsel calls the Mediation Department or the mediator (as instructed by the Mediation Department personnel) to make final confirmation of the session date, time and assigned mediator.

STEP 4. Plaintiff's counsel completes and files with the court an approved Notice of Mediation and sends a copy of the Notice form to the defendants and the Seminole Mediation Department (see form-NOTICE OF MEDIATION). Payment for the assigned mediator is made along with the preparation and filing of the notice.

STEP 5. The parties attend the mediation conference. The mediator completes and files the Mediator Report Form. Additional sessions are scheduled as needed. The Courts have approved a form **AGREEMENT TO CONTINUE MEDIATION** as a confirmation and guide to setting future mediations.

**PROCEDURES TO UNILATERALLY SET  
MEDIATION SESSIONS FOR NONRESPOSIVE DEFENDANTS**

1. By local Rule of Civil Procedure 08-20-S-1 the Courts of the Eighteenth Judicial Circuit, Seminole County adopted a method for the Plaintiff to unilaterally set the initial mediation session when using the Fixed Fee Mediation Panel. This procedure does not apply to any other form of private mediation or to any private mediators.

2. This procedure may only be used when a defendant fails or refuses or by omission does not respond to the efforts by the plaintiff to set the initial mediation session.

3. As to such non-responsive defendants, the Plaintiff's Attorney or a specifically identified person acting under direct supervision of Plaintiff's Attorney must attempt to make reasonable contact with the defendant.

4. The Courts have approved a form as a requirement and as a guide for compliance with the court approved procedures- see form below-PLAINTIFF'S CERTIFICATION COMPLIANCE WITH PROCEDURES FOR SETTING MEDIATION UNILATERALLY - SEMINOLE COUNTY FORECLOSURE MEDIATION PANEL.

5. If the Plaintiff's Attorney or staff has no phone number for the defendant from the pleadings and from the lender client records, the Plaintiff's Attorney must certify this information and certify the use of a recognized telephone directory to show good faith effort to locate the defendant.

6. If the Plaintiff's Attorney has any available telephone number, the attorney or known person working under the direct supervision of the attorney must attempt contact with the defendant twice; on two separate days and at two different times of day.

7. If unable to reach the defendant, the mediation may be set (with the agreement of the responsive defendants) not less than 30 days from the date that the plaintiff's attorney actually sends for filing with the court with copies to the Seminole County Mediation Department the NOTICE OF MEDIATION.

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT IN  
AND FOR SEMINOLE COUNTY, FLORIDA.

**CASE NO:**

\*

Plaintiff,

vs.

\*

Defendants  
\_\_\_\_\_ /

**PLAINTIFF'S CERTIFICATION OF COMPLIANCE  
WITH PROCEDURES FOR SETTING MEDIATION UNILATERALLY  
SEMINOLE COUNTY FIXED FEE FORECLOSURE MEDIATION PANEL**

THE UNDERSIGNED COUNSEL, as counsel of record for the plaintiff in this cause and as an officer of the court, pursuant to the Administrative Order No: 09-09-S of the Chief Judge of the Eighteenth Judicial Circuit and Local Rule of Civil Procedure No: 08-20-S-01, does hereby certify as follows:

1. Plaintiff's counsel has used good faith efforts to coordinate setting a mediation session with all required defendants and as to all cooperating defendants mediation has been scheduled in this cause as ordered.

2. The following are defendants(s) that were nonresponsive to contact by plaintiff's counsel. As to each such defendant plaintiff's counsel certifies to the court (1) the name of the defendant, (2) the phone number(s) used and/or the directory utilized to obtain the telephone number, (3) the person or persons attempting each contact and (4) the specific dates and times of attempted contact.

DEFENDANT: (name) \_\_\_\_\_

1. Telephone number from pleadings: \_\_\_\_\_

\_\_\_\_\_ No telephone was provided in the pleadings

2. Telephone number(s) known to the plaintiff and source of the numbers

\_\_\_\_\_

\_\_\_\_\_ No telephone numbers are known to the plaintiff

3. \_\_\_\_\_ With no known telephone numbers for the defendant the plaintiff utilized the following regionally recognized directories to attempt to locate the defendant \_\_\_\_\_

4. (1) As to the above telephone number \_\_\_\_\_ plaintiff's counsel personally/ (name) \_\_\_\_\_ under the direct supervision of counsel attempted telephonic contact with the defendant on (date) \_\_\_\_\_ at (time)

\_\_\_\_\_ and on (date) \_\_\_\_\_ at (time) \_\_\_\_\_.

4. (2) As to the above telephone number \_\_\_\_\_ plaintiff's counsel personally/ \_\_\_\_\_ under the direct supervision of counsel attempted telephonic contact with the defendant on (date) \_\_\_\_\_ at (time) \_\_\_\_\_ and on (date) \_\_\_\_\_ at (time) \_\_\_\_\_.

*(repeat form for each phone detail and for each non-responsive defendant)*

I HERBY CERTIFY that a true and correct copy of this Notice has been sent to all required parties together with the NOTICE OF MEDIATION

\_\_\_\_\_  
(printed name) \_\_\_\_\_  
Attorney for Plaintiff  
Bar Number \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Tel. No. \_\_\_\_\_