

RULE 9.700 | MEDIATION RULES

(a) Applicability. Rules 9.700 - 9.740 apply to all appellate courts, including circuit courts exercising jurisdiction under rule 9.030(c), district courts of appeal, and the supreme court.

(b) Referral. The court, upon its own motion or upon motion of a party, may refer a case to mediation at any time and may direct that the mediation be conducted in person, through the use of communication technology as that term is defined in Florida Rule of General Practice and Judicial Administration 2.530, or by a combination thereof. A motion from a party must contain a certificate that the movant has consulted with opposing counsel or unrepresented party and that the movant is authorized to represent with respect to the mediation and, if applicable, with respect to the movant's request to use communication technology that opposing counsel or unrepresented party:

(1) has no objection;

(2) objects and cites the specific reasons for objection; or

(3) will promptly file an objection. Absent direction in the court's order of referral, mediation must be conducted in person, unless the parties stipulate or the court, on its own motion or on motion by a party, otherwise orders that the proceedings be conducted by communication technology or by a combination of communication technology and in-person participation.

(c) Time Frames for Mediation. The first mediation conference shall be commenced within 45 days of referral by the court, unless the parties agree to postpone mediation until after the period for filing briefs has expired. The mediation shall be completed within 30 days of the first mediation conference. These times may be modified by order of the court.

(d) Tolling of Times. Unless otherwise ordered, or upon agreement of the parties to postpone mediation until after the expiration of time for filing the appellate briefs, all times under these rules for the processing of cases shall be tolled for the period of time from the referral of a case to mediation until mediation ends pursuant to section 44.404, Florida Statutes. The court, by administrative order, may



provide for additional tolling of deadlines. A motion for mediation filed by a party within 30 days of the notice of appeal shall toll all deadlines under these rules until the motion is ruled upon by the court.

(e) Motion to Dispense with Mediation. A motion to dispense with mediation may be served not later than 10 days after the discovery of the facts that constitute the grounds for the motion, if:

- (1) the order violates rule 9.710; or
- (2) other good cause is shown.

