

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION**
Division of Florida Land Sales, Condominiums
And Mobile Homes

Mediation Information Sheet

MEDIATION

Chapters 718 and 719 of the Florida Statutes provide several methods whereby a third party may act to encourage and facilitate the resolution of a dispute between two or more parties. One of those methods is **Mediation**. Pursuant to **section 718.501(1)(m)**, F. S., effective March 18, 1993, and as later amended, the Division of Florida Land Sales, Condominiums and Mobile Homes shall maintain lists of **volunteer and paid mediators** who have met the requirements of that section. Disputing parties interested in participating in mediation as a method of resolving a dispute may obtain a current list of either the volunteer or paid mediators by calling the Division of Florida Land Sales, Condominiums and Mobile Homes at 1-850-488-1122, or by writing to the address listed at the end of this information sheet. According to **Rule 61B-25.001(1)**, Florida Administrative Code.

“Mediation” means a process whereby a neutral third party acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.

HOW THE PROGRAM WORKS

Disputing parties interested in participating in mediation as a method of resolving a dispute may obtain the current list of mediators by contacting the Division of Florida Land Sales, Condominiums and Mobile Homes. This list includes the name, address, and phone number of each qualified mediator and the counties in which the mediator will provide services. Once the list is obtained, contact the other party to the dispute to make sure they agree to mediate. After all parties agree to mediate, the participants select and contact a mediator. In order to ensure that the mediation process is fair, the participants should not try to discuss their cases with the mediator prior to the agreed upon meeting time. All arrangements are made directly between the mediator and the disputing parties. The Division’s role is to provide the list of mediators.

ADVANTAGES OF MEDIATION

Participating in mediation has several advantages. First, this method is extremely cost effective to unit owners and associations. Volunteers must have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes to be listed with the Division. Pursuant to Chapter 61B-25, Florida Administrative Code, any **volunteer mediator** selected from the Division's list may not accept any compensation or reimbursement of expenses in connection with that mediation. **Paid mediators** are also available to mediate condominium and cooperative disputes. The fees of paid mediators are set by agreement between the disputing parties and the mediator. Another advantage of that mediation is an informal process designed to reduce the adversarial atmosphere between the disputing parties. In addition, the parties themselves decide how they want the dispute settled. The mediator is simply a neutral person who facilitates the process. The mediator does not order a resolution of the dispute.

IMPORTANT POINTS TO REMEMBER

In order to gain the maximum benefits from the mediation program, it is important that participants have a thorough understanding of the program and keep the following points in mind.

- ❖ It is not the mediator's role to get both sides to agree to mediate. The disputing parties must decide to do this on their own.
- ❖ Mediation is a voluntary process. The mediator does not have the authority to require the disputing parties to participate in mediation. The disputing parties must agree that they want to mediate and work together to reach a settlement.
- ❖ The decision-making authority and the willingness to abide by the settlements with the disputing parties. The mediator does not render a decision or enforce the settlement agreement.
- ❖ Participants should not attempt to discuss their cases with the mediator prior to the actual meeting. The mediator must be impartial in order to obtain the maximum benefit of the process.

Questions?

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