

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
2 Subcommittee

3 Representative Metz offered the following:  
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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 44.408, Florida Statutes, is created to  
8 read:

9 44.408 Compelling interested third parties to attend  
10 circuit court mediation.-

11 (1) Upon motion of any party, a court may order a third  
12 party to attend a circuit court mediation and participate in the  
13 mediation process if the motion states sufficient grounds for  
14 exercising personal jurisdiction over the third party and:

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15       (a) The third party claims a lien or other asserted  
16 interest in the proceeds of any funds that a party may receive  
17 as part of a mediated settlement agreement;

18       (b) The presence of the third party can be compelled by  
19 service of an order to appear for mediation served in the same  
20 manner as service of process according to law; and

21       (c) The participation of the third party in the mediation  
22 will facilitate the mediation process.

23       (2) A third party or the designated representative of a  
24 third party ordered to attend a mediation may participate via  
25 telephone or videoconference unless the order expressly requires  
26 personal attendance. If participating via telephone or  
27 videoconference, a third party or the designated representative  
28 may complete and submit necessary documentation via electronic  
29 means during the mediation.

30       (3) The designated representative of a third party ordered  
31 to attend mediation who appears on behalf of the third party  
32 must either be the final decision maker regarding the third  
33 party's lien or other asserted interest or have the ability to  
34 immediately consult with the final decision maker by electronic  
35 or telephonic consultation during the mediation conference. The  
36 final decision maker consulted by the third party representative  
37 in attendance must be immediately available to teleconference  
38 with the mediator at the mediator's request.

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39           (4) A third party ordered to attend a mediation who  
40 complies with the order may not be compelled to pay any portion  
41 of the mediator's fees or costs.

42           (5) A third party ordered to attend a mediation who fails  
43 to comply with the order is subject to sanctions in the same  
44 manner as a party who fails to appear.

45           Section 2. This act shall take effect July 1, 2018.

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49                           **T I T L E   A M E N D M E N T**

50           Remove everything before the enacting clause and insert:  
51 An act relating to mediation; creating s. 44.408, F.S.;  
52 providing for third parties to be compelled to attend mediation  
53 in circuit court in certain circumstances; specifying that such  
54 persons may not be required to pay a mediator's fees or costs;  
55 providing requirements for such third parties ordered to attend;  
56 providing for sanctions for a failure to appear; providing an  
57 effective date.