

# Mediation in Florida: What It Is and What to Expect

## What Is Mediation?

Mediation is a voluntary and confidential process in which a neutral third person—the mediator—helps people in conflict communicate, understand each other’s perspectives, and make their own decisions about how to resolve a dispute. The mediator does not decide the case and does not impose a result. Instead, the mediator manages the process and supports **good decision-making** by the participants.

In Florida, mediation is widely used in civil, family, business, employment, community, and court-connected disputes. Courts, agencies, businesses, and individuals rely on mediation because it is flexible, efficient, and focused on the parties’ own goals and values.

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## How Mediation Works

Although every case is different, most mediations follow a general structure:

- 1. Getting Started**  
The mediator explains the process, confidentiality, and ground rules. Participants confirm who will attend and how decisions will be made.
- 2. Understanding the Situation**  
Participants describe what happened, what matters to them, and what concerns them going forward. This may include legal, financial, relational, and practical issues.
- 3. Identifying Interests and Priorities**  
The mediator helps participants clarify what they care about most—not just what they are asking for, but *why* it matters to them.
- 4. Exploring Options**  
Participants consider possible ways to address their concerns. Options may include financial terms, changes in behavior, future arrangements, apologies, or creative solutions that a court could not order.
- 5. Decision-Making**  
If participants reach agreement, the terms are written down. If they do not, they keep the right to pursue other processes, including litigation.

Participants may meet together or in **private meetings** with the mediator, depending on what best supports productive discussion and informed choices.

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## The Mediator's Role

A Florida mediator: - Is neutral and impartial - Manages the process, not the outcome - Encourages respectful communication - Helps participants assess options and consequences - Supports informed and uncoerced decision-making

Depending on the situation and the parties' consent, mediators may express opinions, predictions, or recommendations or may not express opinions, predictions, or **recommendations**. This is discussed and agreed upon at the start of the process.

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## Your Role as a Participant

In mediation, *you* remain in control of decisions. Participants are encouraged to: - Prepare by thinking about goals, concerns, and priorities - Consider both tangible and intangible interests (time, cost, stress, relationships, reputation) - Listen actively and speak honestly - Ask questions and request breaks if needed - Consult with an attorney or other advisor if they choose

Many people find it helpful to think in advance about their likely outcomes if the dispute does not settle, including financial costs, time, and personal impacts. This kind of preparation supports clearer thinking during mediation.

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## Mediation in Florida Courts

Florida courts strongly support mediation. In many cases, judges may require parties to attend mediation before trial. Even when participation is required, reaching agreement is always voluntary.

Court-connected mediation in Florida follows established rules and ethical standards, including: - Confidentiality of mediation communications - Mediator neutrality and competence - Respect for participant decision-making authority

Agreements reached in mediation may become legally binding once properly documented and approved, depending on the type of case.

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## Benefits of Mediation

People choose mediation because it can: - Save time and money - Reduce stress and uncertainty - Allow flexible and creative solutions - Preserve or improve relationships - Provide privacy and confidentiality - Support better, more informed decisions

Even when parties do not reach agreement, mediation often helps clarify issues, narrow disputes, and improve understanding.

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## When Mediation May Not Be Appropriate

Mediation may not be suitable in every situation. Concerns about safety, severe power imbalances, inability to participate effectively, or bad-faith behavior may require different approaches or additional safeguards. These issues should be discussed openly with the mediator before or during the process.

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## Getting Started

If you are considering mediation in Florida, you can: - Ask your attorney or court about mediation options - Contact a certified Florida mediator - Discuss timing, fees, and process design in advance

Mediation is not about giving up rights—it is about making thoughtful, informed choices about how to move forward.