

IN THE SUPREME COURT OF THE STATE OF FLORIDA

IN RE AMENDMENTS TO) **CASE NO.: SC05-146**
FLORIDA SMALL)
CLAIMS RULES)

RESPONSE OF THE SMALL CLAIMS RULES COMMITTEE
TO THE COMMENTS OF HONORABLE SHAWN L. BRIESE, CHAIR,
SUPREME COURT COMMITTEE ON ALTERNATIVE DISPUTE
RESOLUTION RULES AND POLICY, REGARDING RULE 7.090

The proposed changes recommended by the Alternative Dispute Resolutions Rules and Policy are extensive and in substance support the intent of the Small Claims Rule Committee.

The Small Claims Rules Committee discussed the use of mediation and the issue of authority to settle. In some instances, the committee members indicated that an individual may be allowed to confer telephonically in order to ensure that the settlement was in compliance with the intent of the party.

The proposed form is clear and puts all parties on notice. The part which describes mediation is a good addition as it defines the process of mediation. The definition reflects Fla. R. Med. 10.210. The form also serves to put the party on notice as to the sanctions which may be imposed. The alternative given to continue to use the older form is a good recommendation.

Therefore, the committee has no objection to the suggestions proposed by the Committee on Alternative Dispute Resolution Rules and Policy.

Respectfully submitted _____, 2005.

HON. PAULINE DRAYTON
Chair, Small Claims Rules Committee
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by United States mail to: Hon. Shawn Briese, 125 E. Orange Ave., Suite 106, Daytona Beach, FL 32114-4420, this ____ day of _____, 2005.

MADELON HORWICH
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