

CIRCUIT COURT

Seventh Judicial Circuit
State of Florida



C. McFERRIN SMITH, III
Chief Judge

0/a 2-5-90

75,151

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Volusia County Courthouse Annex
125 East Orange Avenue
Daytona Beach, Florida 32114-4492
904-257-6091

January 24, 1990

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Clerk of Court
[Signature]

Sid J. White, Clerk
The Supreme Court of Florida
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399-1925

Dear Mr. White,

I note a proposed change in Mediation Rule 1.720 which, in my experience and opinion would seriously undermine mediation in Florida. Specifically, I refer to the provision that "Sunshine Entities" are exempted from the requirement that they send a person or persons to mediation with authority to settle.

I have successfully required cities and counties to mediate without such an exemption. The "Sunshine Entity" simply delegates settlement authority to its representative at mediation or the entire commission appears.

In one of my cases, the entire City Commission of Ormond Beach came to a mediation session. Their comments afterwards reflected a very positive experience. Everyone was happy with the result and the City Commission felt very good about having attended as a group.

If the rules are amended to exempt these so-called "Sunshine Entities" I will cease using mediation as I have in the past year or so. I cannot require private parties to follow court procedures from which cities and counties are exempted because of political clout.

Sincerely,

C. McFerrin Smith III

C. McFerrin Smith, III
Circuit Judge