APPENDIX B

SUMMARY OF AGENCY ASSESSMENT

• Combined Agency Summary
• Board of Regents
• Department of Business and Professional Regulation
• Department of Community Affairs
• Department of Environmental Protection
• Department of Juvenile Justice
• Department of Management Services
• Department of Revenue
• Florida Commission on Human Relations
• Florida House of Representatives
• Office of the Attorney General
• Office of the Governor
Summaries of the Eleven Agencies
Dispute Resolution System Assessment
and Recommendations

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?

28. Policy development and consensus building
24. Intergovernmental coordination
44. Negotiated legislation, rulemaking, ordinances or procedures
14. Permitting
30. Enforcement
37. Claims and grievances
16. Intra-organizational planning, coordination and decision-making
23. Public involvement

Other?
Additional items by agency are available from the Florida Conflict Resolution Consortium.

What Kind of Conflicts Could ADR Help You Handle Better?

35. Disagreements over the facts or projected impacts in the case
40. Interpretations of rules, policies or terms
27. Deciding between conflicting rules or laws
41. Decision making when rules do not fit the situation
25. Conflicts between individual rights and the public good
14. Determining responsibility for past actions
15. Disagreements over the allocation of resources and benefits
9. Intergovernmental disputes over decision jurisdiction
18. Differences in decision approaches and personality styles

Other?
Additional items by agency are available from the Florida Conflict Resolution Consortium.

What are the Problems with the Current Resolution Process?

22. Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
27. Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
34. Many cases that could be settled, go to administrative or judicial hearings
22. Too much time and money is spent settling cases
28. The system often fails to reach the most logical, satisfactory solution
31. Those with money, power and time have an unfair advantage (both private and public parties)
35. The adversarial nature of the process often damages important relationships

Other?
Instructions
Before you leave please take a moment to think about what you and your agency or organization can do to better utilize ADR. The Consortium will compile the results by agency, organization, law firm, etc. and return a copy of the results to you along with your form.

What Actions May Be Appropriate for Your Agency or Group?
- _35_ Conduct an assessment of how your agency or group resolves disputes
- _28_ Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
- _23_ Include provisions for the use of mediation in rules or procedures
- _21_ Advise those you represent about the potential use of ADR
- _46_ Arrange ADR training and education for decision makers, staff and potential users

Other?
Additional items by agency are available from the Florida Conflict Resolution Consortium.

Eleven Agencies and Organizations:
- Board of Regents
- Department of Business and Professional Regulation
- Department of Community Affairs
- Department of Environmental Protection
- Department of Juvenile Justice
- Department of Management Services
- Florida Commission on Human Relations
- Florida House of Representatives
- Office of the Attorney General
- Office of the Governor
Board of Regents
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?

1. Policy development and consensus building
0. Intergovernmental coordination
2. Negotiated legislation, rulemaking, ordinances or procedures
0. Permitting
0. Enforcement
2. Claims and grievances
0. Intra-organizational planning, coordination and decision-making
1. Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?

1. Disagreements over the facts or projected impacts in the case
1. Interpretations of rules, policies or terms
2. Deciding between conflicting rules or laws
2. Decision making when rules do not fit the situation
1. Conflicts between individual rights and the public good
0. Determining responsibility for past actions
2. Disagreements over the allocation of resources and benefits
0. Intergovernmental disputes over decision jurisdiction
1. Differences in decision approaches and personality styles

Other?

What are the Problems with the Current Resolution Process?

0. Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
0. Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
1. Many cases that could be settled, go to administrative or judicial hearings
1. Too much time and money is spent settling cases
0. The system often fails to reach the most logical, satisfactory solution
0. Those with money, power and time have an unfair advantage (both private and public parties)
1. The adversarial nature of the process often damages important relationships

Other?

Instructions
Before you leave please take a moment to think about what you and your agency or organization can do to better utilize ADR. The Consortium will compile the results by agency, organization, law firm, etc. and return a copy of the results to you along with your form.

What Actions May Be Appropriate for Your Agency or Group?
Conduct an assessment of how your agency or group resolves disputes

Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures

Include provisions for the use of mediation in rules or procedures

Advise those you represent about the potential use of ADR

Arrange ADR training and education for decision makers, staff and potential users

Other?

We currently use ADR extensively in Labor Relations/Employee, etc.

Concerns or Considerations Regarding Increased Use of ADR

BOR is currently piloting mediation at the university level to resolve employee grievances/disputes. Dispute resolution at the local level facilitates decentralized philosophy.

Names of the persons who completed the forms:
Steve Prevay, Cynthia S. Vickers

Department of Business and Professional Regulation
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?

Policy development and consensus building

Intergovernmental coordination

Negotiated legislation, rulemaking, ordinances or procedures

Permitting

Enforcement

Claims and grievances

Intra-organizational planning, coordination and decision-making

Public involvement

Other?

Consumer Complaints

What Kind of Conflicts Could ADR Help You Handle Better?

Disagreements over the facts or projected impacts in the case

Interpretations of rules, policies or terms

Deciding between conflicting rules or laws

Decision making when rules do not fit the situation

Conflicts between individual rights and the public good

Determining responsibility for past actions
Disagreements over the allocation of resources and benefits
Intergovernmental disputes over decision jurisdiction
Differences in decision approaches and personality styles

Consumer vs. License, contract disputes

What are the Problems with the Current Resolution Process?

- Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
- Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
- Many cases that could be settled, go to administrative or judicial hearings
- Too much time and money is spent settling cases
- The system often fails to reach the most logical, satisfactory solution
- Those with money, power and time have an unfair advantage (both private and public parties)
- The adversarial nature of the process often damages important relationships

Instructions

Before you leave please take a moment to think about what you and your agency or organization can do to better utilize ADR. The Consortium will compile the results by agency, organization, law firm, etc. and return a copy of the results to you along with your form.

What Actions May Be Appropriate for Your Agency or Group?

- Conduct an assessment of how your agency or group resolves disputes
- Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
- Include provisions for the use of mediation in rules or procedures
- Advise those you represent about the potential use of ADR
- Arrange ADR training and education for decision makers, staff and potential users

Other?

The agency (DBPR) is currently promulgating rules for the mediation process. There are over 60 Boards at the agency and the complaint section handled over 30,000 cases. Mediation is seen as means of handling complaints on the front end vs. the expense of investigation and legal prosecution. The Pilot Project is for construction complaints which began 1/1/95. I am the mediator for these complaints alone. The Construction Board sponsored the Pilot Project without any funding, staffing and equipment. I would be interested in training and alternatives means of funding. Coordination between agency and Legislature regarding policy goals

Concerns or Considerations Regarding Increased Use of ADR

Funding source / budget allocations

Names of the persons who completed the forms:

Lynda Goodgame, Jim Mullins, Li Nelson, Jerry Wilson
Department of Community Affairs
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?
- 4_ Policy development and consensus building
- 4_ Intergovernmental coordination
- 4_ Negotiated legislation, rulemaking, ordinances or procedures
- 3_ Permitting
- 4_ Enforcement
- 2_ Claims and grievances
- 2_ Intra-organizational planning, coordination and decision-making
- 2_ Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?
- 5_ Disagreements over the facts or projected impacts in the case
- 3_ Interpretations of rules, policies or terms
- 1_ Deciding between conflicting rules or laws
- 4_ Decision making when rules do not fit the situation
- 3_ Conflicts between individual rights and the public good
- 1_ Determining responsibility for past actions
- 1_ Disagreements over the allocation of resources and benefits
- 2_ Intergovernmental disputes over decision jurisdiction
- 3_ Differences in decision approaches and personality styles

Other?

What are the Problems with the Current Resolution Process?
- 3_ Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
- 1_ Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
- 2_ Many cases that could be settled, go to administrative or judicial hearings
- 0_ Too much time and money is spent settling cases
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Other?

No Buy - In yet by agency staff to ADR
DCA’s enabling legislation (Chapter 163, Part II, F.S.) contains a provision in 163.3184 to the effect that once DCA makes a preliminary determination and the APA process is initiated, any party may request mediation or an expedited hearing. Local governments and developers are now beginning to opt for the
expedited hearing and pretty much ignore the mediation option. The use of the “or” between the terms “mediation” and “expedited” is not a good idea. It leads to the unfair conclusion that mediation is not an expeditious mechanism for dispute resolution.

Instructions
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What Actions May Be Appropriate for Your Agency or Group?
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- Include provisions for the use of mediation in rules or procedures
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- Arrange ADR training and education for decision makers, staff and potential users

Other?
Amend 163.3184 to make the mediation option more attractive and the expedited hearing option less attractive.

Concerns or Considerations Regarding Increased Use of ADR
Might increase the numbers of disputes because mediation is more “user friendly.” Otherwise, would be a great benefit in competitively funded disputes because it’s non-adversarial. Multiple parties affected by decisions, especially those allocating limited resources. Conflicts with Sunshine Law. Lack of centralized organization to move forward.

Names of the persons who completed forms:
Barbara Jo Finer, Brigette Folkes, Esquire, David Jordan, Michelle Oxman, Jim Quinn

Department of Environmental Protection
Dispute Resolution System Assessment and Recommendations

Summary
Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?
- Policy development and consensus building
- Intergovernmental coordination
- Negotiated legislation, rulemaking, ordinances or procedures
- Permitting
- Enforcement
- Claims and grievances
Intra-organizational planning, coordination and decision-making
Public involvement

What Kind of Conflicts Could ADR Help You Handle Better?
- Disagreements over the facts or projected impacts in the case
- Interpretations of rules, policies or terms
- Deciding between conflicting rules or laws
- Decision making when rules do not fit the situation
- Conflicts between individual rights and the public good
- Determining responsibility for past actions
- Disagreements over the allocation of resources and benefits
- Intergovernmental disputes over decision jurisdiction
- Differences in decision approaches and personality styles

What are the Problems with the Current Resolution Process?
- Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
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- The system often fails to reach the most logical, satisfactory solution
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- The adversarial nature of the process often damages important relationships

Other problems with current resolution processes:
- Agencies do not currently have sufficient access to knowledge about ADR as an opportunity.
- Agencies do not currently have funding aligned to afford private mediation services.
- Unfair resolution resulting in favor of the private entity because of a greater interest in resolution on the part of the agency / bureau involved.

What Actions May Be Appropriate for Your Agency or Group?
- Conduct an assessment of how your agency or group resolves disputes
- Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
- Include provisions for the use of mediation in rules or procedures
- Advise those you represent about the potential use of ADR
- Arrange ADR training and education for decision makers, staff and potential users

Other?
- Continued and broadened training/education of agency staff regarding these tools
- Annual conference to allow for sharing of experiences and to perpetuate continued exploration/use of these tools
- Develop incentives for effective use of these efficient and cost effective tools
- Predicate third party entry into the 120.57 process upon participation in a facilitated discussion of the proposed project and its perceived shortcomings. Then require any petition to plead with specificity the fact in dispute and the regulations not complied with. This would narrow issues for hearing, if one is necessary, and refine issues for possible
• Establish facilitator/mediator positions in the department.
• Legislation to authorize the use of ADR.

Concerns or Considerations Regarding Increased Use of ADR
• Agencies should be encouraged to train/educate concerning possible uses of ADR, realign funding to encourage proactive use of ADR.
• Increase access to information about mediation - mediators, case summaries, procedures—by use of computers.
• Funding—Neutral party vs. in house (expense to agency); training.
• Disputes that arise in the area of program implementation may occur at staff level within the various bureaus. Use of ADR at that level (where the problem is best understood) would require the “approval” of Division Secretary’s Office, possibly the ERC—A “model” process is needed to overcome the problems with the “hierarchical” chain of command.
• Integrate common sense; lower costs for the public and agencies; decrease regulations.
• Keep 120 Rules on time requirements, etc. to give public fairness and justice.

Names of the persons who completed forms:
Cheri Albein, Don Berryhill, Tom Brown, Bill Congdon, Andrew S. Grayson, Larry Morgan, Doug Oliver, Barbara Owens, Kenneth J. Plante, Peter J. Ware

Department of Juvenile Justice
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?
   _2_ Policy development and consensus building
   _2_ Intergovernmental coordination
   _3_ Negotiated legislation, rulemaking, ordinances or procedures
   _0_ Permitting
   _1_ Enforcement
   _5_ Claims and grievances
   _2_ Intra-organizational planning, coordination and decision-making
   _3_ Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?
   _2_ Disagreements over the facts or projected impacts in the case
   _3_ Interpretations of rules, policies or terms
   _0_ Deciding between conflicting rules or laws
_0_ Decision-making when rules do not fit the situation
_2_ Conflicts between individual rights and the public good
_3_ Determining responsibility for past actions
_2_ Disagreements over the allocation of resources and benefits
_0_ Intergovernmental disputes over decision jurisdiction
_3_ Differences in decision approaches and personality styles

Other?
Conflicts between line staff and supervisors / managers.

What are the Problems with the Current Resolution Process?

_1_ Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
_3_ Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
_3_ Many cases that could be settled, go to administrative or judicial hearings
_2_ Too much time and money is spent settling cases
_2_ The system often fails to reach the most logical, satisfactory solution
_2_ Those with money, power and time have an unfair advantage (both private and public parties)
_3_ The adversarial nature of the process often damages important relationships

Other?

Instructions
Before you leave please take a moment to think about what you and your agency or organization can do to better utilize ADR. The Consortium will compile the results by agency, organization, law firm, etc. and return a copy of the results to you along with your form.

What Actions May Be Appropriate for Your Agency or Group?

_3_ Conduct an assessment of how your agency or group resolves disputes
_2_ Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
_2_ Include provisions for the use of mediation in rules or procedures
_3_ Advise those you represent about the potential use of ADR
_5_ Arrange ADR training and education for decision makers, staff and potential users

Other?
- Set up pilot projects
- Conduct an assessment of how your agency at the district level resolves disputes
- Provide ADR training
- Assess the possible benefits of ADR if implemented in the State Employees’ Career Service Grievance Procedures

Concerns or Considerations Regarding Increased Use of ADR
- ADR, like any other alternative to conflicts / disputes, has the tendency to benefit the wealthy, more powerful, while lessening the strength of the poor and underprivileged persons/ agencies/ programs, etc. Therefore, the ADR approach should be closely monitored whenever implemented.
• Need listing of private/governmental agencies in the state who provide mediator training (possibly we could contact them locally to view the process to provide train-the-trainer). As district trainer I’m interested in educating the local decision makers, staff and potential users. Lay the groundwork “locally” for future implementation.”
• The success of ADR will depend largely on the quality of the mediators. We need to ensure that mediators are well trained and are people who possess the type of character/personality that will help make them successful.
• Carefully consider whether the use is appropriate.

Names of those who completed forms:
Donald R. Bazzell, Janet Ferris, P.M. Guidry, Paul S.Hatcher, Colleen H. Scott

Department of Management Services
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?
   - 3. Policy development and consensus building
   - 4. Intergovernmental coordination
   - 4. Negotiated legislation, rulemaking, ordinances or procedures
   - 1. Permitting
   - 1. Enforcement
   - 7. Claims and grievances
   - 2. Intra-organizational planning, coordination and decision-making
   - 2. Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?
   - 5. Disagreements over the facts or projected impacts in the case
   - 3. Interpretations of rules, policies or terms
   - 2. Deciding between conflicting rules or laws
   - 6. Decision making when rules do not fit the situation
   - 2. Conflicts between individual rights and the public good
   - 2. Determining responsibility for past actions
   - 4. Disagreements over the allocation of resources and benefits
   - 3. Intergovernmental disputes over decision jurisdiction
   - 2. Differences in decision approaches and personality styles

Other?
What are the Problems with the Current Resolution Process?

- Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
- Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
- Many cases that could be settled, go to administrative or judicial hearings
- Too much time and money is spent settling cases
- The system often fails to reach the most logical, satisfactory solution
- Those with money, power and time have an unfair advantage (both private and public parties)
- The adversarial nature of the process often damages important relationships

Other?

Instructions

Before you leave please take a moment to think about what you and your agency or organization can do to better utilize ADR. The Consortium will compile the results by agency, organization, law firm, etc. and return a copy of the results to you along with your form.

What Actions May Be Appropriate for Your Agency or Group?

- Conduct an assessment of how your agency or group resolves disputes
- Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
- Include provisions for the use of mediation in rules or procedures
- Advise those you represent about the potential use of ADR
- Arrange ADR training and education for decision makers, staff and potential users

Other?

- Develop mediator pool to be used between agencies and for mentoring. Amend ruled and seek statutory changes, if necessary.

Concerns or Considerations Regarding Increased Use of ADR

- Limited resources and staff time
- Education and training of persons involved
- Overcoming defensive attitude of personnel

Names of the persons who completed forms:

Joan Van Arsdall, Earl Black, Cindy Horne, Steve Mathues, Don Mills, Paul A. Rowell, Terry Stejy
Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?

- 5. Policy development and consensus building
- 6. Intergovernmental coordination
- 14. Negotiated legislation, rulemaking, ordinances or procedures
- 0. Permitting
- 9. Enforcement
- 13. Claims and grievances
- 7. Intra-organizational planning, coordination and decision-making
- 4. Public involvement

Other?
- Contract disputes
- Training in mediation skills would enhance certain employee’s ability to carry out their job more professionally and successfully.
- Quasi-judicial review of protests which are filed against Department of Revenue tax assessments.
- Public provide input as to clarification/ identification of statutory inequities.

What Kind of Conflicts Could ADR Help You Handle Better?

- 8. Disagreements over the facts or projected impacts in the case
- 15. Interpretations of rules, policies or terms
- 13. Deciding between conflicting rules or laws
- 16. Decision making when rules do not fit the situation
- 6. Conflicts between individual rights and the public good
- 3. Determining responsibility for past actions
- 1. Disagreements over the allocation of resources and benefits
- 0. Intergovernmental disputes over decision jurisdiction
- 3. Differences in decision approaches and personality styles

Other?
- Training in ADR would aid in determining exactly what the facts are and the ability to relay those facts in a fashion that would help settle a case.
- Handling local taxing authority problems.
- Intergovernmental coordination; Conflict resolution regarding procedures used by the judiciary and agency respectively yet in partnership.

What are the Problems with the Current Resolution Process?

- 8. Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
- 7. Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
- 10. Many cases that could be settled, go to administrative or judicial hearings
Too much time and money is spent settling cases. The system often fails to reach the most logical, satisfactory solution. Those with money, power and time have an unfair advantage (both private and public parties). The adversarial nature of the process often damages important relationships.

Other?
- Lack of training

Instructions
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What Actions May Be Appropriate for Your Agency or Group?
- Conduct an assessment of how your agency or group resolves disputes
- Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
- Include provisions for the use of mediation in rules or procedures
- Advise those you represent about the potential use of ADR
- Arrange ADR training and education for decision makers, staff and potential users

Other?
Empower local governments to use ADR.

Concerns or Considerations Regarding Increased Use of ADR
- The current statutes and rules need expressly to authorize the use of ADR.
- The Department of Revenue would be limited in using ADR to settle disputes between the taxpayer and Department involving questions of law. However, mediation skills would enhance a Tax Conferee’s (Bureau of Hearings and Appeals) ability to settle a case so that litigation is not necessary. Also, ADR would be useful to settle internal affairs and rulemaking.
- Without clear guidelines and training, there could be inconsistency in resolving disputes.
- Limitation of authority
- The outcomes may not be fair for the general public as a whole, if the settlement is reached only to avoid cost which may be incurred during a litigation.
- It may serve only those who have the resources to use it. It may not serve the average taxpayer.
- Need for statutory revisions, especially Sunshine and mandated rules.
- Feel it is being sold to the “world” under false pretense and that ADR proponents (lawyers) will make ADR as complicated as the formal litigation processes now in place.
- Potential for inconsistency in the application of statutes. The specific party involved and others who should be able to “wear the same shoes” may not be treated the same in future applications of the same law.
- Provide ADR training for agency staff.
- Provide central corps of mediators or ADR facilitators for all agencies to use, rather than fragmenting it in each agency.
Names of the persons who completed the forms:
Harry A. Baucom, S. Benton, Mary Bouber, Doris Bonga, Qi Deng, Lisa R. Echeverri, Joy Eldred, Sherrie Ferrell, Cathryne B. Fox, Kathy Heneiz, Mary Ella Ingram, Wes Lee, Patrick Loebig, Rayfae Swart, Jonathan Swift, Mark S. Thomas, and George Turner

Florida Commission on Human Relations
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?

1. Policy development and consensus building
0. Intergovernmental coordination
1. Negotiated legislation, rulemaking, ordinances or procedures
0. Permitting
2. Enforcement
3. Claims and grievances
0. Intra-organizational planning, coordination and decision-making
3. Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?

2. Disagreements over the facts or projected impacts in the case
1. Interpretations of rules, policies or terms
2. Deciding between conflicting rules or laws
1. Decision making when rules do not fit the situation
2. Conflicts between individual rights and the public good
1. Determining responsibility for past actions
1. Disagreements over the allocation of resources and benefits
1. Intergovernmental disputes over decision jurisdiction
1. Differences in decision approaches and personality styles

Other?

What are the Problems with the Current Resolution Process?

1. Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
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What Actions May Be Appropriate for Your Agency or Group?
_2_ Conduct an assessment of how your agency or group resolves disputes
_1_ Adopt a model ADR process that can be used to resolve a variety of disputes at different points
  in administrative procedures
_1_ Include provisions for the use of mediation in rules or procedures
_3_ Advise those you represent about the potential use of ADR
_3_ Arrange ADR training and education for decision makers, staff and potential users

Other?

Concerns or Considerations Regarding Increased Use of ADR
I feel the public should be educated on ADR when requesting representation.
It has been my experience that experience that the public needs an explanation or a better under-
standing of the rules, which in turn allows them to think they have not been fairly represented in
their matter, which is not the case. Agencies should practice informing their public, in plain English
exactly what the rules say and how, step by step, they are going to be performed.
Impact of Sunshine Law and confidentiality of information that may be used in an adversarial
setting should the mediation fail.

Names of the persons who completed the forms:
   Angela Bennett, Erin K. Dodd, Harden King, Jennifer M. Monrose

Florida House of Representatives
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in
(questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?
_0_ Policy development and consensus building
_0_ Intergovernmental coordination
_1_ Negotiated legislation, rulemaking, ordinances or procedures
_0_ Permitting
_0_ Enforcement
0. Claims and grievances
0. Intra-organizational planning, coordination and decision-making
1. Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?
0. Disagreements over the facts or projected impacts in the case
1. Interpretations of rules, policies or terms
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0. Conduct an assessment of how your agency or group resolves disputes
1. Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
0. Include provisions for the use of mediation in rules or procedures
0. Advise those you represent about the potential use of ADR
0. Arrange ADR training and education for decision makers, staff and potential users

Other?

Concerns or Considerations Regarding Increased Use of ADR
To the extent that ADR can be used in the Florida Rule making Process it’s laudable. My concerns are related to the proposals to repeal CH.120.535 and go back to phantom government by incident policy—Also the references to Sunshine Laws and Access to Public Records being a problem is
disturbing. I would hope that we could develop a common sense approach without destroying credibility and accountability.

Names of the persons who completed the forms:
Jimmy O. Helms, Patrick L. Imhof

Office of the Attorney General
Dispute Resolution System Assessment and Recommendations
Sumary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?

- 2_ Policy development and consensus building
- 0_ Intergovernmental coordination
- 3_ Negotiated legislation, rulemaking, ordinances or procedures
- 2_ Permitting
- 3_ Enforcement
- 0_ Claims and grievances
- 0_ Intra-organizational planning, coordination and decision-making
- 2_ Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?

- 1_ Disagreements over the facts or projected impacts in the case
- 3_ Interpretations of rules, policies or terms
- 2_ Deciding between conflicting rules or laws
- 2_ Decision making when rules do not fit the situation
- 2_ Conflicts between individual rights and the public good
- 1_ Determining responsibility for past actions
- 0_ Disagreements over the allocation of resources and benefits
- 0_ Intergovernmental disputes over decision jurisdiction
- 0_ Differences in decision approaches and personality styles

Other?

What are the Problems with the Current Resolution Process?

- 3_ Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
- 1_ Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
- 3_ Many cases that could be settled, go to administrative or judicial hearings
Too much time and money is spent settling cases
The system often fails to reach the most logical, satisfactory solution
Those with money, power and time have an unfair advantage (both private and public parties)
The adversarial nature of the process often damages important relationships

Instructions
Before you leave please take a moment to think about what you and your agency or organization can do to better utilize ADR. The Consortium will compile the results by agency, organization, law firm, etc. and return a copy of the results to you along with your form.

What Actions May Be Appropriate for Your Agency or Group?
Conduct an assessment of how your agency or group resolves disputes
Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
Include provisions for the use of mediation in rules or procedures
Advise those you represent about the potential use of ADR
Arrange ADR training and education for decision makers, staff and potential users

Other?

Concerns or Considerations Regarding Increased Use of ADR
- Charges to chapter 120 and Sunshine Law to permit use of ADR
- Statutory restraints that inhibit the use of full range of agency discretion in case resolution and rule development
- Sunshine Law
- How to involve public and ensure protection of public interest
- Traditional notions of what is winning and the need to “win”

Names of the persons who completed the forms:
Gregory A. Chaires, Allen R. Grossman, Michael A. Mone

Office of the Governor
Dispute Resolution System Assessment and Recommendations
Summary

Please assess the nature of the conflicts and the resolution processes you are involved in (questions 1 and 2).

In What Areas Might Your Agency or Organization Use ADR?
Policy development and consensus building
Intergovernmental coordination
Negotiated legislation, rulemaking, ordinances or procedures
Permitting
_0_ Enforcement
_0_ Claims and grievances
_0_ Intra-organizational planning, coordination and decision-making
_1_ Public involvement

Other?

What Kind of Conflicts Could ADR Help You Handle Better?
_1_ Disagreements over the facts or projected impacts in the case
_1_ Interpretations of rules, policies or terms
_0_ Deciding between conflicting rules or laws
_0_ Decision making when rules do not fit the situation
_1_ Conflicts between individual rights and the public good
_0_ Determining responsibility for past actions
_1_ Disagreements over the allocation of resources and benefits
_1_ Intergovernmental disputes over decision jurisdiction
_1_ Differences in decision approaches and personality styles

Other?

What are the Problems with the Current Resolution Process?
_1_ Some affected parties may not be involved or considered (excluded, not notified, not convenient) resulting in unfair outcomes
_2_ Many cases could be resolved if there was a time and place, incentives and neutral assistance to negotiate in good faith
_0_ Many cases that could be settled, go to administrative or judicial hearings
_0_ Too much time and money is spent settling cases
_1_ The system often fails to reach the most logical, satisfactory solution
_1_ Those with money, power and time have an unfair advantage (both private and public parties)
_1_ The adversarial nature of the process often damages important relationships

Other?

Instructions
Before you leave please take a moment to think about what you and your agency or organization can do to better utilize ADR. The Consortium will compile the results by agency, organization, law firm, etc. and return a copy of the results to you along with your form.

What Actions May Be Appropriate for Your Agency or Group?
_1_ Conduct an assessment of how your agency or group resolves disputes
_1_ Adopt a model ADR process that can be used to resolve a variety of disputes at different points in administrative procedures
_0_ Include provisions for the use of mediation in rules or procedures
_1_ Advise those you represent about the potential use of ADR
_2_ Arrange ADR training and education for decision makers, staff and potential users

Other?
Concerns or Considerations Regarding Increased Use of ADR

Names of the persons who completed the forms:
Cynthia Morani, Bob O'Leary
APPENDIX C

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