Florida Conflict Resolution Consortium

ANNUAL REPORT
July 2001-June 2002

Setting Directions

Facilitating Solutions

Florida State University
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The Consortium has served with distinction the State of Florida and the Florida State University community for the past 14 years as part of the Institute of Science and Public Affairs. It is a unique resource which faculty and students and state and local leaders have called upon time and again. Its reputation as a national model for the state promotion and study of effective consensus building and conflict resolution is well deserved.

I believe its accomplishments and contributions to the University, that are detailed in this annual report, set it apart as a center at the cutting edge of service, research and teaching in consensus building and conflict resolution.

—Robert B. Bradley
Associate Vice President for Academic Affairs and Director, Institute of Science and Public Affairs
Florida State University
This annual report focuses on the Consortium’s role in facilitating solutions to Florida’s many challenges for the one-year period from July 2001 to June 2002, the Consortium’s 14th year of operations. The Consortium has continued to pursue its legislative charge serving the University and local, regional and state agencies as well as private sector and citizen interests by providing assistance in consensus building and conflict resolution on a wide range of public issues and problems.

Highlights during this year have included a new executive order issued by Governor Jeb Bush in March 2002 requiring 16 state agencies under his purview to assess their present use of administrative dispute resolution and create agency plans to increase its use in the future. This followed the Consortium’s report to the Governor on a pilot initiative successfully demonstrating the use of dispute resolution by state agencies and recommending that an executive order be issued. The Consortium’s strategic initiatives in transportation and water resources and with local governments and state agencies have produced results and deepened the Consortium’s work. These included: statewide consensus building projects and research on transportation, regional projects building consensus on water supply and numerous local initiatives focused on planning and permitting.

For the past 14 years, the Consortium has been assisting state and local governments and private interests with seeking solutions on public issues. The lessons learned in making progress on statewide policies and on community and regional issues suggest that a growing diversity of perspectives and stakeholders in Florida’s communities must be invited to the table in order to build consensus on practical responses to key challenges they face in the coming decade. The consensus-building and conflict resolution tools the Consortium has helped to refine over the past decade are now widely recognized as indispensable in bringing leaders together to produce solutions on the many policy challenges facing Florida and its communities.

We believe this report continues to demonstrate that the Consortium represents a wise public investment in the “ounce of prevention” by building consensus for meeting future challenges, while also serving to facilitate better, less-costly ways of achieving “the pound of cure” for today’s public conflicts. Powered by a good idea and aided by the strategic advice of an active statewide Advisory Council, the Consortium continued to make a difference in Florida. We look forward to strategically building upon this foundation and serving the State and its communities in facilitating solutions in the years to come.

—Dr. Edward A. Fernald
Chair
Florida Conflict Resolution Consortium Advisory Council
and Professor Emeritus of Geography
Florida State University

—Robert M. Jones
Director
Florida Conflict Resolution Consortium
The Consortium’s legislative purpose and mission is to draw upon University resources in order to: “serve as a neutral center assisting citizens and public and private interests in Florida to seek cost-effective solutions to public disputes and problems through the use of alternative dispute resolution and consensus-building.”

—Florida Statutes, Chapter 240.702

Over the past 14 years, the Consortium has functioned as a unique Type-II university service center based at Florida State University with a statewide mission and regional offices at three of the state’s 11 universities. In 1996, the Legislature renamed the Consortium, restated the legislative intent and broadened its purpose in statute.

**University of Central Florida.** Established in 1991, the Consortium’s regional office provides assistance to the cities and counties within the large central area of the state. Chris Pedersen currently serves as the Regional Coordinator. The office, in partnership with the University’s Institute of Government (IOG), also utilizes the expertise of Rafael Montalvo who serves as its Associate Director. Marilyn Crotty, director of the IOG serves as an ex-officio member of the Consortium’s Advisory Council.

**Florida Atlantic University.** Established in 1993, the Consortium’s regional office provides assistance to the cities and counties extending from West Palm Beach to Key West. Jeff Blair currently serves as the Regional Coordinator. This office also works closely with the University’s Institute of Government and the FAU / FIU Joint Center for Environmental and Urban Problems whose director, James Murley, serves as an ex-officio member of the Consortium’s Advisory Council.

**Florida Gulf Coast University.** Established in 2000, this regional office provides assistance to the cities and counties extending from Tampa/St. Petersburg area down the western coast. Camilo Azcarate currently serves as the Regional Coordinator for the office, and also as director for the University’s Institute of Conflict Resolution. Richard Pegnetter, Dean and Professor of College of Business at the FGCU serves as an ex-officio member of the Consortium’s Advisory Council.

1 It was created through the Appropriation Bill as an “educational program responding to the needs of the society, growth management conflict resolution” to be overseen by the Board of Regents. The Chancellor directed its funding and assigned the management of the Consortium as a Type-II Center and to Florida State University in 1987.

2 240.702 Florida Conflict Resolution Consortium. “It is the intent of the Legislature to reduce the public and private costs of litigation; resolve public disputes, including those related to growth management issues, more quickly and effectively; and improve intergovernmental communications, cooperation, and consensus-building. The legislature hereby formally establishes the Florida Conflict Resolution Consortium as a statewide center based with the State University System at Florida State University, or at another campus as may be designated by the Chancellor. The purpose of the consortium is to serve as a neutral resource to assist citizens and public and private interests in Florida to seek cost-effective solutions to public disputes and problems through the use of alternative dispute resolution and consensus-building.”
Guiding Principles for the Consortium

The following principles, developed by the staff and its Advisory Council, help to guide and to define the character of the Consortium. Consistent with its legislative charge, the Consortium strives to maintain the highest standards of quality in programs, publications and services by:

1. Ensuring the Consortium’s neutrality and impartiality.

2. Providing services in building consensus and resolving public disputes on key issues statewide, regionally, locally and within the University community.


4. Assisting communities, public agencies and private parties in Florida to resolve conflicts and seek consensus on critical decisions so regulatory programs and planning processes will be fairer, faster and more efficient and effective.

5. Fostering meaningful public participation through the development of consensus building and conflict resolution skills among citizens and stakeholders.

6. Serving as a catalyst in expanding the use of conflict resolution and consensus-building approaches on public issues through a market-based approach. Such an approach seeks to establish the value of professional dispute resolution services and promote user fees, based on fair market value, for dispute resolution, consensus building and related professional services.

7. Utilizing talented consultants from the private sector and public agencies as appropriate in Consortium projects.

8. Creating, whenever feasible, partnerships and network collaboration with individuals and organizations to achieve Consortium goals.

9. Engaging in national and international activities that advance the mission and strengthen the capacity of the Consortium.

10. Operating under a strategic plan that integrates a range of professional activities including consultation, facilitation, education, promotion, training, and research.
Spectrum of the Consortium’s Services

The Consortium provides direct services and assistance in the service areas noted below.

**Public Involvement.** A collaborative process by which public concerns, needs and values are solicited and incorporated into governmental decision-making with the goal of better decisions that are supported by the public.

**Collaborative Planning.** An inclusive planning process which involves a range of affected interests and utilizes collaborative problem-solving techniques to translate ideas, goals, and hoped-for outcomes into public plans and programs.

**Training, Education, and Evaluation.** These are critical to imparting the skills and understanding to convene, lead, and participate in collaborative processes and to assess and improve the effectiveness of these efforts.

**Issue or Conflict Assessment.** A critical first step in dealing with public disputes involves the intervention of a third party neutral who gathers information through interviews, meetings and document review and produces a recommendation. This report often describes who has a stake in the effort or issues, what issues are important to those stakeholders, whether it makes sense to proceed given various constraints and, if so, under what circumstances stakeholders will agree to participate.

**Convening.** This is the initiation and design of an appropriate consensus building process in a particular context. It can involve assessing a situation to determine whether a consensus building approach will be feasible, identifying and inviting participants representing all key interests, locating resources to help convene, conduct and support the process and planning and organizing the process with participants, or working with a facilitator or mediator to do so.

**Dispute System Design.** This is an interactive process intervention to devise dispute management procedures for an organization, agency or sector that aims to promote consensus building across a wide range of recurring issues. This intervention often involves diagnosing systems to determine causes of recurring conflicts, designing systematic interventions to promote conflict prevention or management, implementing and testing these interventions and making readjustments based on feedback from the implemented programs.

**Facilitation.** A collaborative process in which an impartial facilitator assists individuals and groups with divergent perspectives to design and manage meetings that enable participants to focus on substantive goals and issues. Facilitators develop meeting agendas, enforce ground-rules of conduct, promote interaction and communication during meetings and bring issues to closure. A facilitator remains neutral concerning the content of the group’s work and possesses no decision-making authority.

**Mediation.** A process in which a neutral mediator intervenes to assist parties in a dispute or impasse to explore their interests, develop and evaluate options through a structured negotiation process that seeks to produce a mutually acceptable settlement of their differences.
In 2000, the Consortium staff and its Advisory Council developed a three-year strategic plan reflecting the lessons learned, vision for success, guiding principles, and the strategic direction and priorities of the Consortium. The major thrust of the Consortium for the fiscal years 2000 through 2003 has been to expand programs through the development of strategic initiatives while strengthening capacity to manage Consortium growth and assure quality services. In fiscal year 2001-2002, the Consortium staff and its Advisory Council set the following goals:

- Deepen the Consortium’s work through pursuing strategic initiatives on collaboration and consensus building in transportation and water resource issues and with state agencies and local governments;

- Increase the Consortium’s service capacity to meet growing demands at the local, regional and state levels by securing larger, longer-term contracts enabling the Consortium to enhance capacity by retaining additional dispute resolution professional staff and consultants; and

- Enhance the Consortium’s national and state status as a recognized center of excellence and leader in consensus building and dispute resolution on public issues at Florida State University (FSU) through support for research, documentation and teaching.

These goals were pursued under the Consortium’s strategic plan which organized its activities around three major organizational activities.

A. **Achieve Significant Impacts**

To meet anticipated opportunities for service, the Consortium aims to increase the amount, as well as the range of consensus building and dispute resolution activities it will promote and undertake. It will do so through the development of consensus building and facilitation projects, training, promotion and research focused on priority strategic initiatives.

B. **Build Partnerships**

In recent years, the Consortium has increased its service capacity and impact by partnering and networking with others. In so doing, the Consortium promotes opportunities for dispute resolution practitioners and partnering organizations while strengthening its own capacity. This strategy has been advanced through strengthening partnerships with the state universities hosting Consortium regional offices and by seeking topic-specific partnerships such as working with the University of South Florida’s Center for Urban Transportation Research (CUTR).

C. **Strengthen Operations**

The Consortium has adapted its organizational structure and management procedures to support its services by refining its regional office strategies to build greater capacity to serve at the local and regional levels. The Consortium launched a program and project evaluation project with financial and technical assistance from the Policy Consensus Initiative, a national organization dedicated to supporting public consensus building programs at the state level.
There is no shortage of public controversies and conflicts in Florida’s growing communities and at the state and regional levels. For many years preventive consensus-building on key public issues has tended to be the exception with adversarial after-the-fact litigation and political battles the rule. A bipartisan consensus is growing among public and private leaders throughout Florida and the nation. Many now recognize that the investment in both preventive problem-solving and in better, faster, and less costly tools for resolving conflicts can pay great dividends. These are measured in:

- Higher quality jointly-supported outcomes on public issues;
- Less acrimony permitting quicker, more effective implementation;
- Greater public and private confidence in investing in solutions that can be implemented and will last;
- Better continuing relationships among stakeholders and levels of government; and
- Savings of time and money.

As Florida grows, its citizens are demanding a greater say in development, quality of life, and other public decisions that affect them. They and their representatives in the legislature are also insisting on more efficient and effective ways for governments, private interests and citizens to resolve their differences and disputes. The Consortium has responded to this by providing services to organizations, governments and communities to help them to both plan and manage difficult public policy challenges in order to make them more productive and focused. At the planning level, facilitation can help the public, private and non-governmental clients to clarify goals, and guiding principles, identify important issues and strategies, and develop actions, operational structures and procedures for problem-solving, consensus building and decision-making. At the management level, facilitation may include coaching or consulting with leaders; helping to design a meeting, event or project; moderating meetings or events; developing concept papers and straw proposals; taking notes; or evaluating events or projects.

In providing facilitation services, the Consortium seeks intellectual rigor in clarifying issues, terms, concepts, options and positions. In doing so it helps the parties address organizational, economic and political dynamics that affect and impact public decisions. The Consortium provides assistance so that the right agenda items are addressed at the most appropriate times, and it continuously promotes the best practices for building consensus and resolving conflict.
Under the 2000-2002 Strategic Plan, the Consortium’s Staff and Advisory Council reviewed potential strategic initiative areas and established or continued to work each year with several areas to which special efforts were directed. These projects involved seeking funding to expand staff capacity, research on the topic, and the development or strengthening of key partnerships with service organizations and dispute resolution practitioners. These initiatives have provided the Consortium with a structure for strategic thinking, a conceptual framework for tracking impacts and a means of communicating to others the priority activities of the Consortium.

The criteria the Council and staff developed and used for selection of strategic initiative areas included:

- A clear fit with Consortium mission and strategic plan;
- Good potential for projects and funding to add staff capacity and support research and documentation in the area;
- The substantive issue area is receiving public attention and presenting challenges and opportunities for demonstration of consensus building and conflict resolution;
- The issue area builds on and helps to deepen past Consortium projects;
- The issue area offers the Consortium opportunities for exercising leadership in Florida and nationally and helps to connect with similar initiatives in other states.

Dispute Resolution and the University Community

Under this strategic initiative, the Consortium’s goal is to contribute to the university community through advancing FSU’s reputation as a national leader in dispute resolution teaching, research and practice. We offer training, teaching, research assistantship, practicum and professional exchange opportunities for students. Our collaboration with faculty includes assisting with teaching and securing support for basic and applied dispute resolution research. In terms of administration and campus life, the Consortium has helped with facilitation and strategic planning services for administration and departments and mediation services for personnel, faculty and students.

Research Assistantship. For the 10th consecutive year the Consortium along with the Department of Urban and Regional Planning supported a dispute resolution research assistantship which has been used to recruit new graduate students to FSU interested in planning and dispute resolution.

Mediation and Consensus Building Training. The Consortium staff facilitated a workshop in the FSU Shipping and Receiving Department aimed at improving the handling of workplace disputes.

FSU Division of Research Strategic Retreat. The Consortium facilitated a retreat with faculty and administrators that developed the basis for a new strategic plan for the Division of Research.

FSU and DEP Partnering Initiative. The Consortium assisted the FSU Environment and Health program resolve a set of pending enforcement issues related to litigation with Florida Department of Environmental Protection and establish a collaborative partnership approach to communication and problem solving.
FSU Academic Directory of Collaboration and Conflict Resolution Resources. The Consortium designed and manages a website directory providing dispute resolution teaching and research resources and contacts for FSU faculty and students.

Mediation Day 2001. The Consortium helped to facilitate a campus-wide planning committee for the campus celebration of “Mediation Day” on November 5, 2001 to coincide with the Governor’s “Mediation Week.” The symposium focused on teaching, research and practical applications of mediation and dispute resolution in various schools and departments and in campus life.

Local Government Collaboration

The goal of the Consortium’s local government collaboration initiative is to promote and facilitate commitment to consensus and collaborative values and practices among local government officials and organizations throughout Florida. The effort will be organized around themes of consensus building, conflict resolution and citizen participation, and will use training, consultation and referral, direct facilitation, and applied research to work towards the goal.

Throughout the past 14 years, the Consortium has assisted local governments on a variety of projects and issues. This has included visioning efforts at the county and city levels, planning efforts with multiple stakeholders and dispute resolution on local issues. In July of 2001, the Consortium selected local government collaboration as a strategic initiative. Over this past year, the Consortium has sought to strengthen partnerships with the Florida Association of Counties, Florida League of Cities, and the Florida City-County Managers Association. Following are three representative projects.

Port of Fort Pierce Master Plan Amendment to the St. Lucie County Comprehensive Plan. The Consortium worked with the Florida Atlantic University/Florida International University (FAU/FIU) Joint Center for Urban and Environmental Problems to assist St. Lucie County
in developing community consensus on a Master Plan for the Port of Fort Pierce. The Consortium designed and facilitated four public input workshops for developing and refining goals, objectives, and policies for the proposed Master Plan. In addition, the Consortium facilitated a joint workshop between the City of Ft. Pierce Commission and the St. Lucie County Board of County Commission. At this workshop, the two elected bodies achieved full consensus on the Port Master Plan, which was later approved by the County and adopted by the City into their comprehensive plan.

Florida Chapter of the International City/County Managers Association (FCCMA) Winter Institute. On February 7-8, 2002, Consortium staff assisted the Florida Institute of Government and FCCMA in designing the program for their 6th annual Winter Institute titled, “City and County Relations: What’s Up In Florida? Can Consensus Building and Dispute Resolution Bring Forth Better Outcomes for Intergovernmental Issues?” Seventy-five participants identified over 117 examples of successful intergovernmental collaboration and cooperation at the local level throughout Florida involving issues related to transportation, wastewater and waste management, school board, cities and counties, recreation, economic development, library services, and others. Twenty key intergovernmental challenges (i.e., annexation, revenue, tax sharing, etc.) were also identified and ranked. The Consortium and the FCCMA agreed to present a workshop on intergovernmental collaboration at the annual meetings of the Florida Association of Counties and the Florida League of Cities.

Camilo Azcarate facilitates group discussion on intergovernmental coordination issues at the Florida City/County Manager’s Association Winter Institute Conference 2002.

Pinellas County Commission Strategic Directions Retreat. The Consortium designed and facilitated a two-day retreat on March 7-8, 2002, with the County Commission, the County Administrator, and County Attorney in Clearwater building on the strategic visioning retreat from March of 2001 by prioritizing key issues and developing objectives and a workplan. The Consortium facilitated an additional strategic visioning session on April 1, 2002, which focused on the County’s policy regarding annexation.
In addition to these, the Consortium provided facilitation services on the following: Lee County Smart Growth Council, Pinellas County Information Technology (IT) Board Workshops, Bay County West Bay Area Visioning, Bonita Bay Assessment, and the Orlando Light Rail Project.

State Agency Dispute Resolution and Consensus Building

The goal of the State Agency initiative is to work with interested state agencies to increase the number and enhance the quality of agency use of dispute resolution for disputes with regulated parties and other agencies and local government, and for consensus building to develop plans and stakeholder advisory boards. Over the past decade, the Consortium has worked with state agencies to demonstrate the use of administrative dispute resolution and provide mediation referral and facilitation services. In March 2002, Governor Jeb Bush signed Executive Order 02-87 setting forth his administration’s policy in support of dispute resolution and requiring 15 executive state agencies to assess their current use of dispute resolution, appoint a dispute resolution coordinator, and develop plans to increase agency use of dispute resolution. The Order directs each agency to review its processes for managing conflicts and ensure those processes are efficient and effective. They also must determine whether these systems could be improved through the use of facilitation, mediation, negotiated rulemaking, and/or other alternative dispute resolution (ADR) processes. They must then take the necessary steps to implement those improvements.

The Order acknowledges the state Administrative Procedures Act authorizing agencies to use negotiated rulemaking and mediation for challenges to agency actions. It also suggests agencies consider and assess other areas in which “ADR techniques can be used to resolve permitting, procurement, contract, and other disputes prior to parties initiating administrative or judicial proceedings.” Florida’s executive order is similar to orders recently adopted by governors in New Mexico, Utah, Oregon, and Massachusetts.
The pursuit of an Executive Order began several years ago, following the legislative study to evaluate the effectiveness of Administrative Procedures Act provisions encouraging agencies to use mediation for contested actions and negotiated rulemaking. Even after the act was reformed and new implementing rules were drafted by a State Bar committee, few agencies were requesting mediation in contested cases or for negotiated rulemaking. The aim of the study conducted by the Consortium, was to determine the extent to which agencies were using mediation, to identify barriers to the use of mediation by agencies, and to provide policy recommendations regarding administrative dispute resolution.

*Florida Public Service Commission’s (PSC) Consumer Affairs Mediation Training.* The Consortium provided two days of training and consultation in a program to enhance the PSC’s Division of Consumer Affairs staff skills in resolving conflicts between customers and utility companies.

*Florida Department of Agricultural and Consumer Services (DACS) Negotiated Rulemaking.* The Consortium began working with the Department and affected stakeholders by conducting an assessment in early 2002 followed by a series of negotiated rulemaking sessions starting in April 2002 to implement statutory requirements for establishing efficacy and performance standards for registering termiticides for use as preventative treatment on new construction. It is anticipated the Committee will conclude its work in the Fall.

*Environmental Litigation Reform Act (ELRA) Orientation Workshops.* The new Environmental Litigation Reform Act (ELRA), allows the Florida Department of Environmental Protection (DEP) to address cases with penalties of less than $10,000 through administrative proceedings, an alternative to traditional circuit court proceedings. The law also establishes a mechanism for mediation at no cost to the respondent and authorizes the Florida Conflict Resol...
tion Consortium (FCRC) to manage mediator selection and payment. Mediators will be selected from the Consortium’s Practitioner’s Directory and attendance at the ELRA Mediation Workshops will be noted in the referrals. Mediators are paid $150/hour for up to 8 hours. The two-hour workshops were held in each of the DEP districts, covering the ELRA process and the nature of potential ELRA cases.

Transportation Consensus Building

The goal of the transportation initiative is to assist public and private entities in using collaborative planning, facilitated sessions, mediation and other consensus building tools to both make and successfully implement public decisions. The consortium seeks to apply consensus building techniques and conflict resolution tools to bridge critical gaps and enable communities, regions and the state to improve project planning, development and implementation of transportation policy and projects. As with other Consortium initiatives, the transportation initiative will continue to utilize training, consultation and referral, direct facilitation, and applied research.

From the mid-1990’s, the Consortium has worked on a variety of transportation issues and approaches with the Florida Department of Transportation (DOT), Metropolitan Planning Organizations (MPOs), and other state agencies and local government. This has included the statewide strategic planning with the DOT, visioning efforts with MPOs, partnering efforts among regional offices of state agencies, local project development and corridor planning. Funding has been available in the past at the state, regional and local levels on a project-by-project basis. Transportation initiatives provide an opportunity for the Consortium to strengthen partnerships with the DOT District offices, MPOs, Regional Planning Councils, and local governments as well as with firms providing technical support for transportation agencies. Following are brief descriptions of three representative projects.
Florida Department of Transportation (DOT)-Florida Department of Environmental Protection (DEP) Partnering. Agency leadership and partnering workshops were held in 2001, with DOT, DEP, the U.S. Army Corps of Engineers, the Northwest Water Management District and local utilities. The partnering process focused on efforts to expedite the widening of a section of State Road 79 in Santa Rosa County.

Florida Department of Transportation (DOT) Strategic Intermodal System Consensus Process. The Consortium was retained to design and facilitate the work of a new policy stakeholder committee charged with defining and designating a new statewide strategic intermodal system. The committee, chaired by Secretary Tom Barry, includes 43 stakeholder representatives of a range of interests in transportation, economic and community development and environmental stewardship. The first phase of this consensus building process is scheduled to conclude in December 2002.

State Road 40 Assessment. The Consortium, as part of a team headed by the Florida Atlantic University/Florida International University’s Joint Center for Urban and Environmental Problems, conducted an assessment to determine the feasibility of a collaborative process to identify and resolve issues related to the proposed widening of State Road 40 through the Ocala National Forest.

In addition to these projects, the Consortium provided services in the following areas: project development assistance and consultation for Florida Department of Transportation (DOT) District Offices and Partners; conflict assessment for the Lee County 951 Road Extension project; public involvement for the Orlando Light Rail project; facilitation services to Florida Clean Fuels Advisory Board; facilitation services to Miami-Dade Transit Authority Task Force; presentation at the Florida Transit Association’s annual conference; case study research on collaborative decision-making in transportation; and facilitation of a national Smart Growth Symposium led by Governor Glendening of Maryland.

Water Resources and Collaboration

The goal of this initiative is to assist public and private entities in using collaborative planning, facilitation, mediation and consensus building to address water resource issues, policies and projects. During the 1990’s, the Consortium worked on water quality and water supply policy issues at the state, regional, and local levels. There have been opportunities for dispute resolution in the context of rulemaking, enforcement and planning. In the planning area, the Consortium worked with watershed groups in collaborative processes and on restoration efforts involving basins and watersheds, including the Consortium’s work to develop consensus on regional water supply planning legislation, and to develop consensus on Everglades restoration over the last decade. In addition, the Consortium worked with the Florida Coastal Management Program and the Florida Marine Research Institute dealing with coastal, ocean and marine resource issues.

In January 2002, the Advisory Council and staff agreed to establish a strategic initiative focusing on water resources. The goal of this initiative is to assist public and private entities in using collaborative planning, facilitated sessions, mediation and consensus building to address water resources issues, policies, and projects. Below are descriptions of three representative projects conducted in the Spring of 2002.
Silver Springs Watershed Group. The Consortium designed and facilitated an 18-month process working with facilitators from the University of Florida to bring together public and private groups concerned about water quality in Silver Springs and to coordinate needed action plans. A working group was created to coordinate study and action by multiple public and private entities in order to maintain and improve water quality and quantity in the Silver Springs water basin. The Consortium planned and facilitated quarterly meetings of the working group and provided support for activities between meetings.

Suwannee River Water Management District (SRWMD) Enforcement Process Design. The Consortium worked with the SRWMD to enhance their enforcement process so cases could be settled earlier, with less controversy, and in a way that proved better for the environment and all parties involved.

East-Central Florida Water Supply Planning Initiative. The Consortium staff led a neutral team that included Jake Varn and Linda Shelley of Fowler White, Gillen, Boggs, Villareal & Banker, P.A on a project sponsored by three water management districts (St. Johns River Water Management District, South Florida Water Management District and the Southwest Florida Water Management District) to address future water supply. In January and February 2002, the initiative convened and facilitated two water supply summit meetings in Orlando with representatives from local governments in the 10-county region. An assessment interview process followed with local elected and appointed officials and other stakeholders which helped to shape the design and objectives of a dialogue process. In May 2002, a series of facilitated forums were conducted throughout the region focused on identifying priority water supply issues and possible strategies for addressing the issues. The first phase of the project will include two more rounds of workshops followed by a Fall summit to review the workshop results and discuss next steps.
Leadership Awards

In 1991, the “Timer Powers Leadership Award” was launched in recognition of Timer Powers’ dispute resolution leadership, of his role as a founding member of the Consortium Advisory Council, and for his achievements as a peacemaker, mediator and problem-solver. In instituting the award, the Consortium underscored the link between the ability and skills involved in helping people constructively bridge their differences and effective leadership in Florida. The 11th award was presented to Roy Rogers, a long-time developer and public servant, in January 2002.

In 1993, the Consortium launched its “Excellence in Conflict Resolution Award,” recognizing the contributions made by outstanding conflict resolution practitioners in Florida working to advance the quality of conflict resolution practice on public issues. The 9th award was presented to William G. Salomone in January 2002, for his public policy mediation work over the past 15 years.

In 1996, the Consortium launched a third award to honor “Friends of the Consortium.” Its purpose is to recognize devoted and special assistance provided to aid the Consortium in its mission. This special award was presented to Barbara Sheen Todd in January 2002.

Leadership Highlights

Association of Conflict Resolution’s Environmental Public Policy Sector. Consortium staff attended and made presentations at the 7th Annual Environmental and Public Policy Sector Mid-Year Conference held in Tucson, Arizona on May 16-18, 2002. Having served in the past as sector co-chairs and secretariat, Consortium staff continue to be active in the Sector’s development of best practices guidelines for users of public policy dispute resolution.

Coastal Society Conference. Bob Jones, in partnership with the U.S. Institute for Environmental Conflict Resolution, participated on a workshop panel to provide information on best practices for using collaborative processes in science-intensive environmental and natural resources issues. The four-day conference was held in Galveston, Texas on May 19-22, 2002.

Florida Dispute Resolution Center. The Consortium co-sponsored with the Dispute Resolution Center the 10th annual conference held in Orlando on August 23-24, 2001. The Consortium presented two sessions, one on diversity: “Culture Matters” and a second titled “Dispute System Design” which featured the new Florida Environmental Enforcement Mediation Program.

Florida Natural Resource Leadership Institute. The Consortium continued its partnership with the University of Florida’s IFAS in managing the Natural Resource Leadership Institute. This is a program designed to train natural resource professionals in the private, public and non profit sectors in “resolving conflict through leadership.” Over the year, the 3rd class of fellows met at Indian River Lagoon (Orlando) to look at Lake Apopka restoration; in Apalachicola on forest management; in Kissimmee on environmental protection and dairy farming; in Live Oak for an overview of natural resource policy making; in Clewiston on Everglades restoration issues; and in Ellerton on manatee protection issues and will graduate in the Summer in Gainesville.

Maryland Governor Glendening’s Symposium on Smart Growth. The Consortium assisted with facilitating a national symposium on November 30-December 2, 2002 for smart
growth and planning experts at the Seaside Institute in Seaside, Florida. The symposium was hosted by Maryland’s Governor Glendening, the chair of the National Governors Association and incoming chair of the Council of State Governments, whose smart growth initiative received national recognition with a Ford Foundation/Harvard University’s Kennedy School of Government “Innovations In Government” award.

**National Consensus Council.** The Consortium’s director served on a national advisory council of practitioners providing guidance on the congressional establishment of a national consensus council.

**Policy Consensus Initiative (PCI).** In 1997, the Consortium’s director was appointed to the founding board of the Policy Consensus Initiative, a national organization bringing together state leaders from the executive and legislative branches and state dispute resolution programs. PCI is working on best dispute resolution practices for government agencies and on leadership initiatives with regional governors’ associations and state legislators.

**Southern Environmental Enforcement Network (SEEN).** SEEN, a training and support network of 14 states and territories, held a strategic planning conference in St. Petersburg on November 1-2, 2001. This updated the plan created in 1997 which the Consortium had also facilitated.


Chris Pedersen provides an overview to the Advisory Council on the Consortium’s work with others.
The Consortium seeks to evaluate the effectiveness and communicate the value of collaborative approaches to problem-solving. This commitment strengthens the role and contribution of the University to improve the quality of life in Florida’s communities.

**ABA Magazine.** The Summer 2001 issue of the American Bar Association (ABA) Section of the Dispute Resolution’s *Dispute Resolution Magazine* featured a special focus on dispute resolution in the states and included an article by Bob Jones on the Consortium’s state agency dispute resolution pilot, “Faster, Smarter, Cheaper? Assessing the Barriers to Delivering on the Promise of Administrative Dispute Resolution in Florida.”

**Hewlett Project.** The Consortium, along with Florida State University (FSU) and Georgia Technical University (GT), recently received support from the Hewlett Foundation for a research project being headed up by Professor Bruce Stiftel at FSU’s Department of Urban and Regional Planning and Professor Michael Elliott at GT’s Department of Urban and Regional Planning. The initial study will seek to: identify and examine sources of data about collaborative efforts, consensus building processes, programs and institutions; conduct preliminary analysis of these data and determine the fruitfulness of alternative avenues of inquiry; and develop a detailed plan for research, including units of analysis, specific objects of analysis, and research methods.

**PCI Evaluation Initiative.** The Policy Consensus Initiative (PCI) selected the Consortium to participate in an evaluation pilot project along with programs in Maryland, Massachusetts, Ohio, and Oregon. PCI is offering support for the Consortium to hire program evaluation expert Dr. Andy Rowe to develop a plan to more systemically collect data to support evaluation reports on the benefits and outcomes of the Consortium’s services.
FLORIDA CONFLICT RESOLUTION CONSORTIUM

Training and Education

Consortium training and education efforts inform the public and leaders about the value of collaborative approaches in building consensus and in resolving public problems. The training programs seek to provide disputing parties and leaders with the skills to effectively utilize alternatives to traditional judicial and administrative litigation. During this fiscal year the Consortium, partnered with other universities and organizations throughout the state, provided leadership and education at 10 Consortium trainings and continuing professional mediator education workshops; presented at 21 public education conferences, presentations and seminars; and taught 7 university classes.

Consortium 4-Day Training Series. The Consortium held its annual Spring training in Tampa on April 10-11 and May 8-9, 2001, at the University of South Florida and its Fall training in Ft. Lauderdale at the Florida Atlantic University on October 25-26 and November 15-16, 2001. Training focus areas included: a basic understanding of collaborative approaches, an in-depth look at facilitation and its techniques, and involving groups in problem solving.

Florida State University’s (FSU) Planning Dispute Resolution Course. Consortium staff taught this masters level class in the Florida State University Department’s of Urban and Regional Planning in the Spring 2002 semester.

Leadership Pensacola. The Consortium conducted an interactive session as part of Leadership Pensacola’s Government Day on December 13, 2001, with this local leadership program on resolving public disputes.
In recent years, the Consortium has gained national recognition as a premier state dispute resolution program. The Consortium’s model has also attracted international attention as programs in Germany, South Africa, Indonesia, and the Philippines have come to Florida to assess the Consortium’s organization, experience, and successes. These countries and the international community are interested in the concept of building the capacity of state sponsored conflict resolution on matters of public policy. This is especially true of Florida’s experience with conflict resolution and consensus-building in the context of development, growth, and its impacts on the environment.

**U.S. Embassy, Chile.** In 2001, the Consortium provided training, sponsored by the U.S. Embassy in Chile, that brought together representatives of non-profits active in dispute resolution, entities of the Chilean government responsible for environmental regulation and enforcement, and private dispute resolution practitioners. The training and subsequent discussions among participants have helped catalyze activity around the creation of a national office of environmental and public policy dispute resolution in Chile.

In May 2002, Consortium staff, Policy Consensus Initiative (PCI) and the U.S. Institute of Conflict Resolution met jointly with a delegation from Chile to discuss implementation of their Consortium.
Budget and Funding

Since its inception in 1988, the Consortium has served as a neutral, independent resource in state government, based at Florida State University (FSU). The Consortium has received support from the Florida Legislature which allocates funds to Florida State University to operate the Consortium, including the state office at Florida State University in Tallahassee and regional offices at the University of Central Florida in Orlando, Florida Atlantic University in Boca Raton, and Florida Gulf Coast University in Ft. Myers. The Consortium’s legislative intent, purpose and mission statement are contained in Florida Statutes § 240. 709.

The operating budget for 2001-2002 was $575,981 supporting the state office and three regional offices at the University of Central Florida, Florida Atlantic University in South Florida and Florida Gulf Coast University in Southwest Florida. In November 2001, following a special session of the Florida Legislature, the Consortium's budget at FSU was cut by $58,000 which eliminated two secretarial positions and recurring expense funds. During the course of the year, the Consortium entered into contractual arrangements for special projects with various public and private agencies amounting to an additional $225,510 which enabled it to retain additional dispute resolution specialists and research assistants to expand the staff capacity and to recover direct expenses associated with the projects such as travel. The Consortium directly supported eight full time and one part time dispute resolution professional and five administrative support staff. These resources enabled staff to provide direct assistance to local, regional and state agencies, provide information and cover basic expenses, including administration and some travel.
Project Overview by Region

Project Overview by Initiative

Current Advisory Council Members
Project Overview by Region

STATEWIDE
(1) Affordable Housing Policy
(2) Americans with Disabilities Act (ADA) Mediation
(3) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshops
(4) Federal Highway Administration/Florida Department of Transportation (DOT) Traffic Safety Forum
(5) Florida Building Commission
(6) Florida Clean Fuels Advisory Board/Center for Urban Transportation Research (CUTR)
(7) Florida Department of Agricultural and Consumer Services (DACS) Negotiated Rulemaking
(8) Florida Department of Environmental Protection (DEP) Administrative Enforcement Mediation
(9) Florida Department of Environmental Protection (DEP) Recreation and Parks Division Alternative Dispute Resolution (ADR) Workshop
(10) Florida Department of Insurance Negotiation Training
(11) Florida Department of Transportation (DOT) Dispute Resolution Assistance Project
(12) Florida Department of Transportation (DOT) Strategic Intermodal System Steering Committee
(13) Florida Fire Safety Board Workshop
(14) Florida Fish and Wildlife Conservation Commission’s Artificial Reef Advisory Board
(15) Florida Public Service Commission’s (PSC) Consumer Affairs Mediation Training
(16) Gulf of Mexico
(17) Watershed Management Assistance Project

NORTH FLORIDA
(18) Apalachee Ridge Neighborhood Planning Assessment
(19) Bay County West Bay Area Visioning
(20) Environmental Litigation Reform Act (ELRA) Training Workshop (Pensacola)
(21) Environmental Litigation Reform Act (ELRA) Training Workshop (Jacksonville)
(22) Florida Department of Transportation-Florida Department of Environmental Protection (DOT-DEP) Partnering
(23) Florida State University’s (FSU) Planning Dispute Resolution Course
(24) Integrating Science and Stakeholder Input in Collaborative Processes
(25) Leadership Pensacola
(26) Mediation Day at Florida State University
(27) Speed Management Workshop
(28) Suwannee River Water Management District Enforcement Process Design

*Project involved five states: Alabama, Florida, Georgia, Louisiana, and Texas*
NORTH FLORIDA REGION (continued)
(29) Tallahassee Utilities Green Pricing Workshops
(30) Tide Creek Landing
(31) University of Florida-Institute of Food and Agriculture Science (UF-IFAS) Florida First Conference
(32) Walton County Wetlands Study Project

CENTRAL FLORIDA REGION
(33) Alachua County Forever
(34) Building Bridges Between Organic Farms and Land-Grant Institutions
(35) City of Oakhill and Volusia County
(36) East-Central Florida Water Supply Planning Initiative (Eustis, Orlando, and Sanford)
(37) Eatonville (Town of) Visioning Process
(38) Environmental Litigation Reform Act (ELRA) Training Workshop (Orlando)
(39) Melbourne Beach Mediation
(40) Mental Health Association of Central Florida
(41) Mt. Dora Community Redevelopment Plan (CRA)
(42) Orange County Community Dispute Resolution Conference Panel
(43) Orlando Regional Light Rail Project
(44) Silver Springs Basin Working Group
(45) State Road 40 Assessment

TAMPA BAY REGION
(46) Florida City-County Managers Association (FCCMA) Winter Institute
(47) Environmental Litigation Reform Action (ELRA) Training Workshop
(48) Hernando County Future Growth Forum
(49) Hillsborough County Public Dispute Resolution Training
(50) Pinellas County Commission Strategic Directions Retreat
(51) Pinellas County Information Technology (IT) Board Strategic Visioning Workshop
(52) Spring 2002 Consortium 4-Day Dispute Resolution Training

SOUTHWEST FLORIDA REGION
(53) Bonita Bay Community Needs Assessment
(54) Community Foundation of Collier County
(55) Environmental Litigation Reform Act (ELRA) Training Workshop (Ft. Myers)
(56) Facilitating Public Involvement Workshop
(57) Florida Association of Counties (FAC) and the FCCMA Workshop
(58) Florida Earth Foundation
(59) Florida Gulf Coast University Conflict Management System
(60) Hispanic Leaders Forum of Southwest Florida
(61) Lee County Road 951 Extension
(62) Lee County Smart Growth Council
(63) Southwest Florida Library Network
(64) Southwest Florida Water Management District

SOUTHEAST FLORIDA REGION
(65) Biscayne Bay Partnership Initiative
(66) Broward County Supervisor of Elections
(67) Environmental Litigation Reform Act (ELRA) Training (West Palm Beach)
(68) Florida League of Cities and FCCMA Workshop
(69) Florida Department of Children and Families (DCF) Privatization
(70) Four-Day Training in Ft. Lauderdale
(71) Miami (City of) Staff Conflict Resolution Training
(72) Port of Fort Pierce Master Plan Amendment to the St. Lucie County Comprehensive Plan
FLORIDA CONFLICT RESOLUTION CONSORTIUM

Project Overview by Initiative

LEADERSHIP and EDUCATION
(34) Building Bridges Between Organic Farms and Land-Grant Institutions
(54) Community Foundation of Collier County
(56) Facilitating Public Involvement Workshop
(47) Florida City-County Managers Association Winter Institute *
(58) Florida Earth Foundation *
(59) Florida Gulf Coast University Conflict Management System
(23) Florida State University’s Planning Dispute Resolution Courses
(71) Four-Day Training in Ft. Lauderdale
(60) Hispanic Leaders Forum of Southwest Florida
(24) Integrating Science and Stakeholder Input in Collaborative Processes
(25) Leadership Pensacola
(26) Mediation Day at Florida State University
(40) Mental Health Association of Central Florida
(63) Southwest Florida Library Network
(64) Southwest Florida Water Management District Training
(52) Spring 2002 CRC Four-Day Dispute Resolution Training
(31) University of Florida-Institute of Food and Agriculture Science Florida First Conference

LOCAL GOVERNMENT
(33) Alachua County Forever
(18) Apalachee Ridge Neighborhood Planning Assessment
(19) Bay County West Bay Area Visioning
(53) Bonita Bay Community Needs Assessment
(66) Broward County Supervisor of Elections
(35) City of Oakhill and Volusia County
(37) Eatonville (Town of) Visioning Process
(57) Florida Association of Counties and FCCMA Workshop
(47) Florida City-County Managers Association Winter Institute *
(68) Florida League of Cities and FCCMA Workshop
(48) Hernando County Future Growth Forum
(49) Hillsborough County Public Dispute Resolution Training
(61) Lee County Road 951 Extension *
(62) Lee County Smart Growth Council
(39) Melbourne Beach Mediation
(72) Miami (City of) Staff Conflict Resolution Training
(41) Mt. Dora Community Redevelopment Plan
(42) Orange Co. Community Dispute Resolution Conference Panel
(43) Orlando Regional Light Rail Project *
(50) Pinellas County Commission Strategic Directions Retreat
(51) Pinellas County Information Technology Board Strategic Visioning Workshop
(73) Port of Fort Pierce Master Plan Amendment *
(29) Tallahassee Utilities Green Pricing Workshops
(30) Tide Creek Landing

STATE AGENCY DISPUTE RESOLUTION
(1) Affordable Housing
(2) Americans with Disabilities Act (ADA) Mediation
(3) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshop (Tallahassee)
(4) Federal Highway Administration/Florida Department of Transportation Traffic Safety Forum
(5) Florida Building Commission
(7) Florida Department of Agriculture and Consumer Services Negotiated Rulemaking
(8) Florida Department of Environmental Protection Administrative Enforcement Mediation
(9) Florida Department of Environmental Protection Recreation and Parks Division ADR Workshop
(10) Florida Department of Insurance Negotiation Training
(13) Florida Fire Safety Board Workshop
(15) Florida Public Service Commission’s Consumer Affairs Mediation Training
(55) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshop (Ft. Myers)
(21) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshop (Jacksonville)
(38) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshop (Orlando)
(20) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshop (Pensacola)
(46) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshop (Tampa)
(67) Environmental Litigation Reform Act (ELRA) Mediator Orientation Workshop (West Palm Beach)
(69) Florida Department of Children and Families Privatization

WATER RESOURCES
(65) Biscayne Bay Partnership Initiative
(36) East-Central Florida Water Supply Planning Initiative
(58) Florida Earth Foundation *
(14) Florida Fish and Wildlife Conservation Commission’s Artificial Reef Advisory Board
(16) Gulf of Mexico Consensus Project
(44) Silver Springs Basin Working Group
(28) Suwannee River Water Management District Enforcement Process Design
(32) Walton County Wetlands Study Project
(17) Watershed Management Assistance Project

TRANSPORTATION
(6) Florida Clean Fuels Advisory Board/Center for Urban Transportation Research (CUTR)
(11) Florida Department of Transportation Dispute Resolution Assistance Project
(12) Florida Department of Transportation Strategic Intermodal System Steering Committee
(22) Florida Department of Transportation-Florida Department of Environmental Protection Partnering
(61) Lee County Road 951 Extension *
(43) Orlando Regional Light Rail Project *
(73) Port of Fort Pierce Master Plan Amendment *
(45) State Road 40 Assessment
(27) Speed Management Workshop

* also listed in another category
## Advisory Council Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Position and Organization</th>
<th>Location</th>
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<tbody>
<tr>
<td>Dr. Arthur W. Anderson</td>
<td>Florida Atlantic University</td>
<td>Boca Raton</td>
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<tr>
<td>Bill L. Bryant, Jr.</td>
<td>Katz Kutter Haigler Alderman</td>
<td>Tallahassee</td>
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<tr>
<td>Dr. Edward A. Fernald**</td>
<td>Institute of Science and Public Affairs</td>
<td>Tallahassee</td>
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<tr>
<td>Dr. Robert B. Bradley***</td>
<td>Institute of Science and Public Affairs</td>
<td>Tallahassee</td>
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<tr>
<td>Charles G. Pattison</td>
<td>Executive Director of 1000 Friends of Florida</td>
<td>Tallahassee</td>
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<tr>
<td>Richard Pettigrew</td>
<td>Chair of Audubon of Florida</td>
<td>Miami</td>
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<td>G. Steven Pfeiffer</td>
<td>Theriaque and Pfeiffer, P.A.</td>
<td>Tallahassee</td>
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<tr>
<td>Joe A. Quetone</td>
<td>Executive Director of Florida Governor’s Council on Indian Affairs</td>
<td>Tallahassee</td>
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<tr>
<td>Marsha Hosack</td>
<td>Director of Legislative Committee on Intergovernmental Relations</td>
<td>Tallahassee</td>
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<tr>
<td>Robert M. Rhodes</td>
<td>Senior Vice President and General Counsel of The St. Joe Company</td>
<td>Jacksonville</td>
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<tr>
<td>Jerry Scarborough</td>
<td>Executive Director of Suwannee River Water Management District</td>
<td>Live Oak</td>
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<tr>
<td>Linda Loomis Shelley</td>
<td>Fowler White Gillen Boggs</td>
<td>Tallahassee</td>
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<tr>
<td>John Thomas</td>
<td>Director of Legislative/Public Affairs</td>
<td>Tallahassee</td>
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<tr>
<td>Barbara Sheen Todd</td>
<td>Commissioner of Pinellas County Board of Commissioners</td>
<td>Clearwater</td>
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<tr>
<td>Vicki Tschinkel</td>
<td>Senior Consultant of Landers Parsons and Uhlfelder</td>
<td>Tallahassee</td>
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<tr>
<td>Ken Wiley</td>
<td>General Manager of Florida Reliability Coordinating Council</td>
<td>Tampa</td>
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<tr>
<td>Bernard J. Yokel, Ph.D.</td>
<td>Environmental Consultant of Florida Reliability Coordinating Council</td>
<td>Mt. Dora</td>
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<tr>
<td>Dr. Robert B. Bradley***</td>
<td>President of Institute of Science and Public Affairs</td>
<td>Tallahassee</td>
</tr>
<tr>
<td>Dr. Richard Pegnetter***</td>
<td>Dean and Professor of College of Business</td>
<td>Ft. Myers</td>
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<tr>
<td>Sharon Press***</td>
<td>Director of Florida Dispute Resolution Center</td>
<td>Tallahassee</td>
</tr>
</tbody>
</table>

** Chair

*** Ex-Officio Members
The Consortium’s mission is to bring people together to facilitate consensus solutions to Florida’s public problems. This statewide, publicly supported program, with its neutral home in the state university system, provides dispute resolution and consensus building services, technical assistance and professional dispute resolution training and education services to a wide range of citizens, elected and appointed leaders, professionals and agency staff. Moreover, the Consortium supports dispute resolution teaching within the university system and sponsors research to evaluate and establish the value of collaborative approaches to problem-solving and dispute resolution.

Legislative Mandate
“Assisting Floridians in seeking cost-effective solutions to public disputes and problems through the use of alternative dispute resolution and consensus building.” —Florida Statute 240.702

State Office—Tallahassee
Florida State University
Shaw Building, Suite 132
2031 East Paul Dirac Drive
Tallahassee, Florida 32310
Phone: 850/644-6320
Suncom: 284-6320
Fax: 850/644-4968
email: flacrc@mailer.fsu.edu
website: http://consensus.fsu.edu

Staff:
Robert M. Jones, Director
Dr. Thomas A. Taylor, Assistant Director
Venita A. Kinney, Coordinator of Administrative Services
Cathy E. Nipper, Senior Secretary
Kathleen A. Kinney, Senior Secretary
Kim Parish, Secretary
Konrad Plendl, Web Designer and Information Specialist
Hal Beardall, Project Associate
FLORIDA CONFLICT RESOLUTION CONSORTIUM

The Florida Conflict Resolution Consortium is a service center of Florida State University. Our Web site address is http://consensus.fsu.edu