

Florida Rules for Certified and Court-Appointed Mediators
Reinstatement Post Decertification Issue

Rule 10.830 Sanctions

- (a) Generally. The panel may impose one or more of the following sanctions:
- (1) Imposition of costs of the proceeding.
 - (2) Oral admonishment.
 - (3) Written reprimand.
 - (4) Additional training, which may include the observation of mediations.
 - (5) Restriction on types of cases which can be mediated in the future.
 - (6) Suspension for a period of up to 1 year.
 - (7) Decertification or, if the mediator is not certified, bar from service as a mediator under Florida Rules of Civil Procedure.
 - (8) Such other sanctions as are agreed to by the mediator and the panel.
- (b) Conviction of Felony. If the panel finds that a certified mediator has a felony conviction, it shall decertify the mediator for a period of not less than two years or until restoration of civil rights, whichever comes later. In order to become a reinstated, such decertified mediator must comply with the requirements of subdivision (h).
- (c) Failure to Comply. If there is reason to believe that the mediator failed to timely comply with any imposed sanction, a hearing shall be held before a panel convened for that purpose within 60 days of the date when the center learned of the alleged failure to comply. The hearing shall also include any additional alleged failures to comply of which the center becomes aware prior to the date of the hearing. The holding of a hearing shall not preclude a subsequent hearing on an alleged failure occurring after the first alleged failure. Any suspension in effect at the time of discovery of the violation by the center shall continue in effect until a decision is reached at the hearing. A finding of the panel that there was a willful failure to substantially comply with any imposed sanction shall result in the decertification of the mediator.

- (d) Decertified Mediators. If a mediator has been decertified or barred from service pursuant to these rules, the mediator shall not thereafter be certified or assigned to mediate a case pursuant to court rule or be designated as mediator pursuant to court rule unless reinstated.
- (e) Decision to be Filed. Upon making a determination that discipline is appropriate, the panel shall promptly file with the center a copy of the decision including findings and conclusions certified by the chair of the panel. The center shall promptly mail to all parties notice of such filing, together with a copy of the decision.
- (f) Notice to Circuits. The center shall notify all circuits of any mediator who has been decertified or suspended unless otherwise ordered by the Supreme Court of Florida.
- (g) Publication. Upon the imposition of sanctions, the center shall publish the name of the mediator, a short summary of the rule or rules which were violated, the circumstances surrounding the violation, and any sanctions imposed.
- (h) Reinstatement. Except if inconsistent with rule 10.110, a mediator who has been suspended or decertified may be reinstated as a certified mediator. Except as otherwise provided in the decision of the panel, no application for reinstatement may be tendered within 2 years after the date of decertification. The reinstatement procedures shall be as follows:
 - (1) A petition for reinstatement, together with 6 copies, shall be made in writing, verified by the petitioner, and filed with the center.
 - (2) The petition for reinstatement shall contain:
 - (A) the name, age, residence, and address of the petitioner;
 - (B) the offense or misconduct upon which the suspension or decertification was based, together with the date of such suspension or decertification; and
 - (C) a concise statement of facts claimed to justify reinstatement as a certified mediator.

- (3) The center shall refer the petition for reinstatement to a hearing panel in the appropriate division for review.
- (4) The panel shall review the petition and, if the petitioner is found to be unfit to mediate, the petition shall be dismissed. If the petitioner is found fit to mediate, the panel shall notify the center and the center shall reinstate the petitioner as a certified mediator contingent on the petitioner's completion of a certified mediation training program of the type for which the petitioner seeks to be reinstated ; ~~provided, however, if the decertification has continued for more than 3 years, the reinstatement may be conditioned upon the completion of a certified training course as provided for in these rules.~~ Successive petitions for reinstatement based upon the same grounds may be reviewed without a hearing.