

The Supreme Court Committee on Alternative Dispute Resolution Rules and Policy has submitted to the Florida Supreme Court proposed amendments to the Florida Rules for Certified and Court Appointed Mediators. The committee proposes new rule 10.105, Point System Categories, and amendments to rule 10.100, Certification Requirements, that incorporate the recently adopted basic point requirements for certification as county, family, circuit, and dependency mediators. Consistent with the Court's prior opinion, the proposed amendments to rule 10.100(d), Circuit Court Mediators, include the requirement of Florida Bar membership that was retained by the Court until it could consider requested input from The Florida Bar on the requirement. The committee continues to urge the removal of the Florida Bar membership requirement. The Bar takes the position that the requirement of Florida Bar membership should be retained for circuit court mediators, but that the applicant also should be required to have been a member of The Florida Bar or other bar jurisdiction, in good standing, for the five years immediately preceding an application.

The Court invites all interested persons to comment on the committee's proposed amendments, which are reproduced in full below, as well as online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. The Court specifically invites comments on the issue of retaining the Florida Bar membership requirement for certified circuit court mediators. An original and nine paper copies of all comments must be filed with the Court on or before December 1, 2006, with a certificate of service verifying that a copy has been served on the committee chair, The Honorable Shawn L. Briese, 125 East Orange Avenue, Room 106, Daytona Beach, Florida 32118, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The committee chair has until December 21, 2006, to file a response to any comments filed with the Court. Electronic copies of all comments also must be filed in accordance with the Court's Administrative Order In Re: Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004).

## **IN THE SUPREME COURT OF FLORIDA**

**IN RE: PETITION OF THE ALTERNATIVE DISPUTE RESOLUTION RULES  
AND POLICY COMMITTEE ON AMENDMENTS TO FLORIDA RULES FOR  
CERTIFIED AND COURT APPOINTED MEDIATORS, CASE NO. SC05-998**

### **Florida Rules for Certified and Court-Appointed Mediators**

## Part I. Mediator Qualifications

### Rule 10.100. Certification Requirements

(a) **General.** For certification as a county court, family, circuit court or dependency mediator, a mediator must be at least 21 years of age, ~~and~~ be of good moral character, and have the required number of points for the type of certification sought as specifically required in rule 10.105.

(b) **County Court Mediators.** For initial certification as a mediator of county court matters, an applicant must have at least a high school diploma or a General Equivalency Diploma (GED) and 100 points, which shall include: satisfy the requirements adopted pursuant to administrative order of the chief justice. ~~Such order shall establish minimum requirements in the categories of training, education, and mentorship.~~

(1) 30 points for successful completion of a Florida Supreme Court certified county court mediation training program;

(2) 10 points for education; and

(3) 60 points for mentorship.

(c) **Family Mediators.** For initial certification as a mediator of family and dissolution of marriage issues, an applicant must have at least a bachelor's degree and 100 points, which shall include, at a minimum: satisfy the requirements adopted pursuant to administrative order of the chief justice. ~~Such order shall establish minimum requirements in the categories of training, education, experience, and mentorship.~~

(1) 30 points for successful completion of a Florida Supreme Court certified family mediation training program;

(2) 25 points for education/mediation experience; and

(3) 30 points for mentorship.

Additional points above the minimum requirements may be awarded for completion of additional education/mediation experience, mentorship, and miscellaneous activities.

**(d) Circuit Court Mediators.** For initial certification as a mediator of circuit court matters, other than family matters, an applicant must be a member in good standing of The Florida Bar with at least five years of Florida practice and be an active member of The Florida Bar within one year of application for certification or be a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the state in which the judge presided for at least five years immediately preceding the year certification is sought. An applicant must have 100 points, which shall include, at a minimum: satisfy the requirements adopted pursuant to administrative order of the chief justice. Such order shall establish minimum requirements in the categories of training, education, experience, and mentorship.

(1) 30 points for successful completion of a Florida Supreme Court certified circuit mediation training program;

(2) 25 points for education/mediation experience; and

(3) 30 points for mentorship.

Additional points above the minimum requirements may be awarded for completion of additional education/mediation experience, mentorship, and miscellaneous activities.

**(e) Dependency Mediators.** For initial certification as a mediator of dependency matters, as defined in Florida Rule of Juvenile Procedure 8.290, an applicant must have at least a bachelor's degree and 100 points, which shall include, at a minimum: satisfy the requirements adopted pursuant to administrative order of the chief justice. Such order shall establish minimum requirements in the categories of training, education, experience, and mentorship.

(1) 30 points for successful completion of a Florida Supreme Court certified dependency mediation training program;

(2) 25 points for education/mediation experience; and

(3) 40 points for mentorship.

Additional points above the minimum requirements may be awarded for completion of additional education/mediation experience, mentorship, and

miscellaneous activities.

**(f) – (h) (No Change)**

**Rule 10.105. Point System Categories**

**(a) Education.** Points shall be awarded in accordance with the following schedule (points are only awarded for the highest level of education completed and honorary degrees are not included):

<u>High School Diploma/GED</u>	<u>10 points</u>
<u>Associate’s Degree</u>	<u>15 points</u>
<u>Bachelor’s Degree</u>	<u>20 points</u>
<u>Master’s Degree</u>	<u>25 points</u>
<u>Master’s Degree in Conflict Resolution</u>	<u>30 points</u>
<u>Doctorate (e.g., Ph.D., J.D., M.D., Ed.D., LL.M.)</u>	<u>30 points</u>
<u>Ph.D. from Accredited Conflict Resolution Program</u>	<u>40 points</u>

An additional five points will be awarded for completion of a graduate level conflict resolution certificate program in an institution which has been accredited by Middle States Association of Schools and Colleges, the New England Association of Schools and Colleges, the North Central Association of Schools and Colleges, the Northwest Association of Schools and Colleges, the Southern Association of Schools and Colleges, the Western Association of Schools and Colleges, the American Bar Association, or an entity of equal status.

**(b) Mediation Experience.** One point per year will be awarded to a Florida Supreme Court certified mediator for each year that mediator has mediated at least 15 cases of any type. In the alternative, a maximum of five points will be awarded to any mediator, regardless of Florida Supreme Court certification, who has conducted a minimum of 100 mediations over a consecutive five-year period.

**(c) Mentorship.** Ten points will be awarded for each supervised mediation completed of the type for which certification is sought and five points will be awarded for each mediation session of the type for which certification is sought which is observed.

**(d) Miscellaneous Points.**

1. Five points shall be awarded to applicants currently licensed or certified in any United States jurisdiction in psychology, accounting, social work, mental health, health care, education or the practice of law or mediation. Such award shall not exceed a total of five points regardless of the number of licenses or certifications obtained.

2. Five points shall be awarded for possessing conversational ability in a foreign language as demonstrated by certification by the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Test, qualification as a court interpreter, accreditation by the American Translators Association, or approval as a sign language interpreter by the Registry of Interpreters for the Deaf. Such award shall not exceed a total of five points regardless of the number of languages in which the applicant is proficient.

3. Five points shall be awarded for the successful completion of a mediation training program (minimum 30 hours in length) which is certified or approved by a state or court other than Florida and which may not be the required Florida Supreme Court certified mediation training program. Such award shall not exceed five points regardless of the number of training programs completed

4. Five points shall be awarded for certification as a mediator by the Florida Supreme Court. Such award shall not exceed five points per category regardless of the number of training programs completed or certifications obtained.

Committee Note

The following table is intended to illustrate the point system established in this rule. Any discrepancy between the table and the written certification requirements shall be resolved in favor of the latter.

Points Needed Per Area of Certification		Minimum Points Required in Each Area
County	100	30 certified county mediation training; 10 education (minimum HS Diploma/GED); 60 mentorship
Family	100	30 certified family mediation training; 25 education/ mediation experience (minimum Bachelor's Degree); 30 mentorship [and requires 15 additional points]

Dependency	100	30 certified dependency mediation training; 25 education/mediation experience (minimum Bachelor's Degree); 40 mentorship [and requires 5 additional points]
Circuit <sup>1</sup>	100	30 certified circuit mediation training, 25 education/mediation experience (minimum Bachelor's Degree); 30 mentorship; [and requires 15 additional points] <sup>2</sup>

<b>Education/Mediation Experience (points awarded for highest level of education received)</b>			
HS Diploma/GED	10 points	Master's Degree in Conflict Resolution	30
Associate's Degree	15 points	Doctorate (e.g., J.D., M.D., Ph.D., Ed.D., LL.M.)	30
Bachelor's Degree	20 points	Ph.D. from accredited CR Program	40
Master's Degree	25 points	Graduate Certificate CR Program	+5
Florida certified mediator: 1 point per year in which mediated at least 15 mediations (any type) OR any mediator: – 5 points for minimum of 100 mediations (any type) over a 5 year period			

<b>Mentorship- must work with at least 2 different certified mediators and must be completed for the type of certification sought</b>	
Observation	5 points each session
Supervised Mediation	10 points each complete mediation

<b>Miscellaneous Points</b>	
Licensed to practice law, psychology, accounting, social work, mental health, health care, education or mediation in any US jurisdiction	5 points (total)
Florida Certified Mediator	5 points (total)
Foreign Language Conversational Ability as demonstrated by certification by ACTFL Oral Proficiency Test; qualified as a court interpreter; or accredited by the American Translators Association; Sign Language Interpreter as demonstrated by approval by the Registry of Interpreters for the Deaf	5 points (total)
Completion of additional mediation training program (minimum 30 hours in length) certified/approved by a state or court other than Florida	5 points (total)

<sup>1</sup> These requirements are the subject of further Court ordered response by The Florida Bar and the Committee.

<sup>2</sup> Pursuant to rule 10.100(d), any applicant for certification as a mediator of circuit court matters, other than family matters, must be a member in good standing of The Florida Bar with at least five years of Florida practice and be an active member of The Florida Bar within one year of application for certification or be a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the state in which the judge presided for at least five years immediately preceding the year certification is sought.

