

# How to Become A Florida Supreme Court Certified Mediator

## Step by Step Guide



To assist new mediators, the Florida Dispute Resolution Center has created this guide which contains qualifications for mediator certification, a list of certified mediation training programs, good moral character screening procedures, mentorship definitions and eligible activities, and continuing mediator education requirements.

## Attachment A - Mediator Certification Qualifications Summary

**All mediators must be at least 21 years of age and be of good moral character.**

<b>100 Points Required in Each Area of Mediator Certification Area <i>Except</i> Appellate</b>	
County	<p><b>Minimum Points:</b> 30 certified county mediation training, 10 education points for <b>HS Diploma or GED</b> and 60 mentorship = <b>100 points</b></p> <p>[<b>Note:</b> Mentorship points cannot be reduced as a product of having more than 10 points in the educational / mediation experience component]</p>
Family	<p><b>Minimum Points:</b> 30 certified family mediation training, 25 educational and 30 mentorship = 85 points plus 15 additional points via mentorship, higher education or mediation experience, or options under miscellaneous points below= <b>100 points</b></p>
Dependency	<p><b>Minimum Points:</b> 30 certified dependency mediation training, 25 educational and 40 mentorship = 95 points plus 5 additional points via mentorship, higher education or mediation experience, or options under miscellaneous points below= <b>100 points</b></p>
Circuit	<p><b>Minimum Points:</b> 30 certified circuit mediation training, 25 educational and 30 mentorship = 85 points plus 15 additional points via mentorship, higher education or mediation experience, or options under miscellaneous points below= <b>100 points</b></p>
Appellate	<p>An applicant must be a certified circuit, family or dependency mediator and successfully complete a certified appellate mediation training program.</p>

<b>Education Point Options for Family, Circuit and Dependency</b>	
[Note: County Education Minimum Listed Above]	
40 points	Ph.D. from accredited CR Program
30 points	Doctorate (e.g., JD, MD, PhD, EdD, LLM)
30 points	Master's Degree in Conflict Resolution
25 points	Master's Degree
25 points	Graduate Certificate Conflict Resolution Program <b>AND</b> a Bachelor's Degree
25 points	Mediated 15 cases ( <i>of any type</i> ) a year as a Florida certified mediator for a consecutive 5 year period <b>AND</b> a Bachelor's Degree
25 points	Minimum of 100 mediations ( <i>of any type</i> ) conducted as mediator over a consecutive 5 year period <b>AND</b> a Bachelor's Degree

Any discrepancy between the summary and the written certification requirements shall be resolved in favor of the latter.

<b>Mentorship Options: You Choose How to Reach Required Points</b>	
[Note: Must work with at least 2 different certified mediators and must be completed for the type of certification sought.]	
5 points each session	Observation
10 points each complete mediation	Supervised Mediation

<b>Miscellaneous Options: Helping You Reach 100 Points</b>	
5 points (total)	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

### **Rule 10.100. Certification Requirements**

- (a) **General.** For certification as a county court, family, circuit court, dependency, or appellate mediator, a mediator must be at least 21 years of age and be of good moral character. For certification as a county court, family, circuit court, or dependency mediator, one must 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:
- (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:
- (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.

Any discrepancy between the summary and the written certification requirements shall be resolved in favor of the latter.

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 have at least a bachelor's degree and 100 points, which shall include, at a minimum:
  - (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:
  - (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) **Appellate Mediators.** For initial certification as a mediator of appellate matters, an applicant must be a Florida Supreme Court certified circuit, family or dependency mediator and successfully complete a Florida Supreme Court certified appellate mediation training program.
- (g) **Senior Judges Serving As Mediators.** A senior judge may serve as a mediator in a court-ordered mediation only if certified by the Florida Supreme Court as a mediator for that type of mediation.
- (h) **Referral for Discipline.** If the certification or licensure necessary for any person to be certified as a family or circuit mediator is suspended or revoked, or if the mediator holding such certification or licensure is in any other manner disciplined, such matter shall be referred to the Mediator Qualifications Board for appropriate action pursuant to rule 10.800.
- (i) **Special Conditions.** Mediators who are certified prior to August 1, 2006, shall not be subject to the point requirements for any category of certification in relation to which continuing certification is maintained.

**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):

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

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 Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southern Association of Colleges and Schools, 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 jurisdiction 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.

# Attachment B

## Certified Mediation Training Providers

The mediation training programs listed below have been certified by the Supreme Court of Florida. Once you have completed a certified mediation training program, an application for certification will be provided to you.

### Contact training providers directly for their schedules.

#### Appellate Mediation Training

<a href="#">Dunlap Mediation</a>	Eric D. Dunlap, Esquire	(321) 230-3088
<a href="#">Mediation Training Group, Inc.</a>		(561) 852-1633

#### County Mediation Training

<a href="#">Matthew L. Cersine, Esquire</a>	Matthew L. Cersine, Esquire	(407) 592-7326
<a href="#">Dunlap Mediation</a>	Eric D. Dunlap, Esquire	(321) 230-3088
<a href="#">Empowering Solutions</a>	Toby Isaacson, Esquire	(413) 862-9669
<a href="#">Florida Mediation Training</a>	Kevin Lunsford, Esquire	(386) 269-0942
<a href="#">Institute of Conflict Resolution &amp; Communication</a>	Alexia Georgakopoulos, Ph.D.	www.icrc.training.com
<a href="#">Mediation Training Group, Inc.</a>		(561) 852-1633
<a href="#">Shulman ADR Law, P.A.</a>	Christopher M. Shulman, Esquire	(813) 935-9922
<a href="#">Arve Wikstrom, J.D.</a>	Arve Wikstrom, J.D.	(407) 538-5509
Your Solution Group	Ailyn Gonzalez	(321) 442-5185

#### Circuit Mediation Training

<a href="#">ADR Training Collaborative, LLC</a>	Meah Tell, Esquire & Stanley Zamor	(954) 733-5000
<a href="#">Charles N. Castagna Mediation Inc.</a>	Charles N. Castagna, Esquire	(727) 754-2089
<a href="#">Dunlap Mediation</a>	Eric D. Dunlap, Esquire	(321) 230-3088
<a href="#">Florida Mediation Training</a>	Kevin Lunsford, Esquire	(386) 269-0942
Florida Mediation Training Center	Barbara Peterson & Jessica Geller, Esquire	(954) 351-7474
Mediation Education, LLC	Hal Wotitzky, Esq. & Stephan Widmeyer, Esq.	(941) 575-9666
<a href="#">Mediation Training Group, Inc.</a>		(561) 852-1633
<a href="#">My Florida Mediator</a>	Gregory Firestone, Ph.D.	(813) 494-7655
<a href="#">Shulman ADR Law, P.A.</a>	Christopher M. Shulman, Esquire	(813) 935-9922
Nancy Neal Yeend	Nancy Neal Yeend, Portland, OR	(503) 481-2986

#### Dependency Mediation Training

<a href="#">My Florida Mediator</a>	Gregory Firestone, Ph.D.	(813) 494-7655
<a href="#">David Wolfson, Esquire</a>	David Wolfson, Esquire	(850) 329 0755

#### Family Mediation Training

<a href="#">Family Mediation Training</a>	Geraldine Waxman, Esq. & Meah Tell, Esq.	(954) 741-1311
<a href="#">Florida Mediation Training</a>	Kevin Lunsford, Esquire	(386) 269-0942
Florida Mediation Training Center	Jessica Geller, Esquire & Barbara Peterson	(954) 634-1786
<a href="#">Institute of Conflict Resolution &amp; Communication</a>	Alexia Georgakopoulos, Ph.D.	www.icrc.training.com
<a href="#">Mediation Training Group, Inc.</a>		(561) 852-1633
<a href="#">My Florida Mediator</a>	Gregory Firestone, Ph.D.	(813) 494-7655
<a href="#">Wikstrom Peterson</a>	Arve Wikstrom, J.D. & Barbara Peterson	(407) 538-5509

As of June 2019

## Attachment C - Mentorship Requirements

Mentorship shall include observing mediations conducted by certified mediators and conducting mediations under the supervision and observation of certified mediators. The mentorship requirements for those seeking certification shall be performed in a manner consistent with the following requirements. The responsibility of structuring a mentorship rests with each trainee. The trainee shall not receive any fees for any case that the trainee utilizes to complete the required mentorship.

All duly certified mediators are required to allow, upon request, a minimum of two mediation observations or supervised mediations per year. The certified mediator shall not charge the trainee any fees to observe a mediation conducted by the certified mediator. The certified mediator may charge a reasonable fee for supervising a trainee while the trainee conducts mediation. In addition, the certified mediator shall be entitled to any compensation paid for the mediation.

The certified mediator shall remain in control of the case.

For an applicant to be awarded mentorship points the applicant must work with at least two different certified mediators and the mediations involved must be of the type for which certification is sought. A trainee is not required to participate in supervised mediations under the certification point system.

State-funded trial court mediation programs shall assist trainees in completing their mentorship requirements.

Applicants shall provide original signatures of all mentors in relation to all mentorship activity claimed.

A trainee shall not be awarded points for any mentorship requirements completed before beginning the certified mediation training program; however, a trainee may be awarded points for observations completed after commencement but prior to the conclusion of the certified mediation training program. In no case shall an observation that is part of a certified mediation training be used for mentorship points. A supervised mediation shall only be conducted by a trainee after the completion of a certified mediation training program.

### Mediation Observations

For each observation required for certification the trainee must observe an entire session of the type of mediation for which certification is sought, conducted by a certified mediator in the same category for which certification is sought. The observation requirement shall not be satisfied by any individual who is a party, participant, or representative in the mediation. An appellate or pre-suit mediation may be utilized for observation purposes if (1) it is or would have been the type of mediation for which certification is sought if it had been filed in a trial court, and (2) it is conducted by a certified mediator of the type for which certification is sought. A federal court mediation



conducted by a certified circuit court mediator may be utilized to fulfill a circuit court mentorship. In addition, pre-suit home owner association (HOA) disputes, within the jurisdiction of the circuit court, mediated by a certified circuit court mediator may be utilized to fulfill a circuit court mentorship. Administrative agency mediations conducted under rules and procedures other than those of the state trial courts may not be utilized to fulfill the mentorship requirements.

### Supervised Mediations

A supervised mediation is defined as one in which the trainee either conducts a mediation under the supervision and observation of a certified mediator or the trainee co-mediate with a certified mediator. At the conclusion of the mediation, the mentor shall determine if the trainee made a substantial contribution to the mediation. If so, the case may qualify as a supervised mediation. If not, the case will qualify only as an observation.

For purposes of conducting supervised mediations, mediation is defined as a complete case, which may consist of multiple sessions. The entire mediation shall be co-mediated or observed by a certified mediator of the type for which certification is sought. In the event the trainee is only able to participate in a single session of a multi-session mediation, such participation qualifies only as an observation regardless of the trainee's level of participation. An appellate or pre-suit mediation may be utilized for the requirements to conduct mediations under supervision and observation if (1) it is or would have been the type of mediation for which certification is sought if it had been filed in a trial court, and (2) it is conducted by a certified mediator of the type for which certification is sought. A federal court mediation conducted by a certified circuit court mediator may be utilized to fulfill a circuit court mentorship. In addition, pre-suit HOA disputes, within the jurisdiction of the circuit court, mediated by a certified circuit court mediator may be utilized to fulfill a circuit court mentorship. Administrative agency mediations conducted under rules and procedures other than those of the state trial courts may not be utilized to fulfill the mentorship requirements.

## Attachment D

### Background Screening Process for Mediator Certification

The Rules for Certified and Court-Appointed Mediators require mediators to have good moral character. All applicants for mediator certification and certified mediators adding additional areas of certification are required to complete a criminal background check conducted by the Florida Department of Law Enforcement. Mediators seeking renewal are not required to complete this requirement. The criminal background check is to be accomplished electronically at the applicant's expense.

- Mediators are required to go to a Livescan Service Provider to be fingerprinted. The list of providers throughout the state is found at <http://www.fdle.state.fl.us/Criminal-History-Records/Documents/ApplicantLivescanService-ProvidersVendors.aspx>. Providers charge a variety of prices, applicants may want to contact more than one vendor.
- The mediator should provide the Florida Dispute Resolution Center's (DRC) Originating Agency Identification (ORI) number, **FL737127Z** (The last letter is Z as in Zoo), to the Livescan Service Provider so that the background screening results are sent directly from FDLE to the DRC.
- The Livescan Service Provider must use the Civil Workflow Control System to have the DRC ORI number accepted. The SHIELD system will not accept the DRC ORI number.
- The cost of the background check varies depending on the Livescan provider and can be from approximately \$50 to \$75, which includes the FDLE fee of \$24.
- The DRC will receive the background results from FDLE within three to seven days.
- Mediator certification applications will not be considered complete and processed until the results of the background screening have been received by the DRC.
- Mediators must submit their fingerprints no more than three months prior to the application being submitted for certification. Failure to submit your application within three months of the submission of your fingerprints will cause the mediator to be subject to another background screening at his or her expense.
- If a mediator obtains mediator certification on or after April 1, 2018 and applies for another type of mediator certification within two years, additional background screenings will not be required for the additional certifications.

## Attachment E CME Requirements

### Continuing Mediator Education

The purpose of continuing mediator education (CME) shall be to enhance the participant's professional competence as a mediator. The requirement of CME and the reporting thereof shall apply to all certified mediators seeking renewal and shall be fulfilled in accordance with the following procedures.

To qualify as Continuing Mediation Education (CME), a course or activity shall have significant, current intellectual or practical content and shall constitute an organized program of learning directly related to the practice of mediation. CME shall be conducted by an individual or group qualified by practical or academic experience. CME shall be based on a 50-minute hour.

#### Generally

- All mediators must complete 16 hours of CME that shall include a minimum of four hours of mediator ethics, a minimum of two hours of interpersonal violence<sup>1</sup> education, and a minimum of one hour of diversity/cultural awareness education in each two-year renewal cycle, including the two years following initial certification.
- Family and dependency mediators must complete an additional two hours of the required 16 hours in interpersonal violence education each renewal cycle, for a total of four hours.
- Mediators who are certified in more than one area must complete 16 hours of CME applicable to each of their areas of certification. Hours completed may be utilized toward more than one area of certification if the subject matter is relevant to each field of certification. For example, courses on such topics as mediator ethics, interpersonal violence, appellate mediation, and cultural diversity may be credited to all of the areas of certification.

#### Methods of Obtaining CME Hours

- Continuing education completed for another profession's continuing education requirement may be used as CME if the material bears directly on the mediator's mediation practice and complies with the CME guidelines set forth in this order.
- Live Methods: At a minimum, eight hours of CME must be satisfied by live methods. Live methods include:
  - ✓ attendance at a live lecture or seminar; or

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1. Interpersonal violence education includes the following subject matters: domestic violence; stalking; repeat violence; dating violence; child abuse; child neglect; abuse of vulnerable adults; human trafficking; animal cruelty; workplace violence; physical and emotional safety and security; trauma informed responses; suicide prevention, awareness and risk factors; and self-harm (not suicidal).

- ✓ attendance at an audio/video playback of a CME seminar attended by no less than two persons who discuss the materials presented after the conclusion of the playback; or
  - ✓ attendance at an interactive internet presentation that includes audience participation in real time; or
  - ✓ participation as a lecturer, presenter, or panel member in a CME program, or serving as a mentor under rule 10.100, Florida Rules for Certified and Court-Appointed Mediators. Mentorship hours are limited to four hours. Regardless of the area of mentoring offered, the CME hours claimed count in all areas of certification but cannot be applied toward the required ethics, diversity/cultural awareness, or interpersonal violence education CME components; or
  - ✓ attendance at court alternative dispute resolution committee and board meetings for the time spent on mediation topics.
- Non-live Methods: CME may also be satisfied through non-live methods, provided the eight hours of live CME have been satisfied. Non-live CME methods include:
    - ✓ listening to or viewing previously recorded presentations alone; or
    - ✓ attendance at a web-based seminar without real-time audience participation; or
    - ✓ authoring or editing written materials submitted for publication that have significant intellectual or practical content directly related to the practice of mediation; or
    - ✓ successfully completing a self-directed program that is qualified for continuing education credit by a governmental licensing board.

Mediator certification shall not be renewed until all CME requirements are completed.

#### Reporting Requirements

- Mediators must maintain proof of attendance at CME programs or other appropriate documentation and must report their CME at the end of each two-year renewal cycle on the DRC's renewal form. The mediator shall be responsible for maintaining all records relating to CME, which records shall be subject to audit. In addition, the mediator must certify that he or she has read the current Florida mediation rules; Chapter 44, Florida Statutes; and other relevant statutes.
- Any CME hours completed may be utilized for only one renewal cycle. Hours in excess of the minimum requirement shall not be carried forward to the next renewal cycle.
- Attending and lecturing or teaching at the same CME presentation will not entitle a mediator to additional credit. This prohibition against repeat attendance shall not apply to annual conferences and yearly updates of a previously attended session.
- If all other qualifications for renewal are satisfied and all fees are paid or

waived, but a mediator is deficient in CME credits, the mediator shall be notified in writing and certification shall be continued for 90 days from the notice of noncompliance. During those 90 days, the mediator shall complete all remaining CME requirements to be eligible for renewal.