

APPENDIX D

Proposed Rules for Appellate Mediator Qualifications and Discipline
in Two-Column Format

<p>Florida Rules for Certified and Court-Appointed Mediators</p>	<p>Reasons for Change</p>
<p>Part I Mediator Qualifications</p> <p>Rule 10.100 Certification Requirements</p> <p>(a) General. For certification as a county court, family, circuit court, or dependency, <u>or appellate mediator</u>, a mediator must be at least 21 years of age; <u>and</u> be of good moral character. <u>For certification as a county court, family, circuit court, or dependency mediator, and one must</u> have the required number of points for the type of certification sought as specifically required in rule 10.105.</p> <p>(b) County Court Mediators. [NO CHANGE]</p> <p>(c) Family Mediators. [NO CHANGE]</p> <p>(d) Circuit Court Mediators. [NO CHANGE]</p> <p>(e) Dependency Mediators. [NO CHANGE]</p> <p>(f) <u>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.</u></p> <p>(f)(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.</p>	<p>Adds appellate mediation to the areas of supreme court certification with respect to which applicants must produce satisfactory evidence of age and good moral character. Appellate certification will be contingent on family, circuit, or dependency certification, supplemented by training; therefore, the point system is not applicable.</p> <p>Experience in the Fifth District’s appellate mediation program suggests qualifications necessary for certification as an appellate mediator may be attained by persons currently certified as circuit, family, or dependency mediators who complete substantial additional training specific to the appellate process. This will ensure appellate mediators are both experienced in mediation and are committed to area-specific continuing education.</p>

~~(g)~~(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.

~~(h)~~(i) Special Conditions. Mediators who are certified by the Florida Supreme Court 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.

Clarifies the limited exemption from the point system applies only to mediators certified by the Florida Supreme Court.

PART III DISCIPLINE

Rule 10.730 Mediator Qualifications Board

- (a) Generally. [NO CHANGE]
- (b) Composition of Divisions. Each division of the board shall be composed of:
 - (1) three circuit or county judges;
 - (2) three certified county mediators;
 - (3) three certified circuit mediators;
 - (4) three certified family mediators, at least 2 of whom shall be non-lawyers;
 - (5) not less than 1 nor more than 3 certified dependency mediators; ~~and~~
 - (6) not less than 1 nor more than 3 certified appellate mediators; and
 - (7) three attorneys licensed to practice law in Florida who have a substantial trial practice and are neither certified as mediators nor judicial officers during their terms of service on the board, at least 1 of whom shall have a substantial dissolution of marriage law practice.

Reasons for Change

Provides 1-3 certified appellate mediators shall be included among each division of the Mediator Qualifications Board.

Rule 10.900 Mediator Ethics Advisory Committee	Reasons for Change
<p>(a) Scope and Purpose. [NO CHANGE]</p> <p>(b) Appointment. [NO CHANGE]</p> <p>(c) Membership and Terms. The membership of the committee shall be composed of 1 county mediator, 1 family mediator, and 1 circuit mediator from each division and shall be appointed by the chief justice. At least one of the 9 members shall also be a certified dependency mediator, <u>and at least one of the 9 members shall also be a certified appellate mediator.</u> All appointments shall be for 4 years. No member shall serve more than 2 consecutive terms. The committee shall select 1 member as chair and 1 member as vice-chair.</p>	<p>Provides for appellate representation on the Mediator Ethics Advisory Committee.</p>

