

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO FLORIDA
RULES FOR CERTIFIED AND COURT
APPOINTED MEDIATORS**

CASE NO. SC05-998

**PETITION OF THE COMMITTEE ON ALTERNATIVE
DISPUTE RESOLUTION RULES AND POLICY**

In its opinion In re: Petition of the Alternative Dispute Resolution Rules and Policy Committee on Amendments to Florida Rules for Certified and Court-Appointed Mediators, 31 Fla. L. Weekly S295 (Fla. May 11, 2006), the Court adopted rule amendments submitted by the Committee on Alternative Dispute Resolution Rules and Policy (Committee), in addition to Administrative Order No. AOSC06-9, incorporating the newly-adopted certification procedures. The Court directed this Committee to resubmit these documents by August 9, 2006, with the following changes:

- 1) Rules – incorporate the certification requirements contained in the administrative order
- 2) Administrative Order – add provisions outlining the procedure for Chief Justice review of disciplinary actions and delete specific certification requirements

In addition, the Committee was asked to respond to comments, if any, made by The Florida Bar in relation to the Committee's proposed revisions to the requirements for certification as a circuit mediator. This response was mandated to occur within 30 days of submission of the Bar's comments, which are also due August 9, 2006. Such response will be filed in a timely manner at a later date.

Mediation Rules

In relation to the rules, the Committee recommends, as contained in Appendix A and Appendix B, that rule 10.100 be changed to incorporate the basic point requirements for certification as county, family, circuit and dependency mediators. The Committee recommends the adoption of a new rule 10.105, which contains the various areas in which points can be obtained including the chart which graphically illustrates the point system. The Committee notes that rule 10.100(d) is the subject of the response requested of The Florida Bar. The Committee has submitted a proposal which incorporates the rule as adopted in Administrative Order AOSC06-9. If the Court were to adopt the rule as initially proposed by the Committee, that is, with the requirement of Bar membership removed, the rule would read as follows:

Rule 10.100 Certification Requirements

...

(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: ~~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.

...

Administrative Order

The changes in the administrative order, contained in Appendix C, involve mainly the deletion of provisions involving the point system which were moved to the rules. In addition, references to the review of various matters by the Chief Justice was amended to allow such review by the Chief Justice or designee in order to provide greater flexibility in the assignment of such duties. Finally, at the direction of the Court, the procedure pursuant to which the Chief Justice reviews appeals from disciplinary actions taken by the Mediator Qualifications Board has been added to the administrative order as section IV, with a minor modification that any appealing mediator submit an original and a copy rather than two copies.

The Committee respectfully requests that the Court await the response from The Florida Bar and the Committee's response before amending the Florida Rules for Certified and Court-Appointed Mediators and adopting the attached administrative order as proposed in this petition.

Submitted on behalf of the Committee,

Judge Shawn L. Briese, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 7, 2006, a copy of the foregoing was furnished by United States mail to: John F. Harkness, Jr. Executive Director, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300.

Hon. Shawn L. Briese, Chair
Supreme Court Committee on
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