

Florida Rules for Certified and Court-Appointed Mediators

Part I. Mediator Qualifications

Rule 10.100. ~~General Qualifications~~ 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.

~~(b)(a) County Court Mediators.~~ For initial certification as a mediator of county court matters, an applicant must 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. ~~For certification a mediator of county court matters must be certified as a circuit court or family mediator or:~~

- ~~(1) complete a minimum of 20 hours in a training program certified by the supreme court;~~
- ~~(2) observe a minimum of 4 county court mediation conferences conducted by a court-certified mediator and conduct 4 county court mediation conferences under the supervision and observation of a court-certified mediator; and~~
- ~~(3) be of good moral character.~~

~~(c)(b) Family Mediators.~~ For initial certification as a mediator of family and dissolution of marriage issues, an applicant must 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. ~~For certification a mediator of family and dissolution of marriage issues must:~~

- ~~(1) complete a minimum of 40 hours in a family mediation training program certified by the supreme court;~~

- (2) ~~have a master's degree or doctorate in social work, mental health, or behavioral or social sciences; be a physician certified to practice adult or child psychiatry; or be an attorney or a certified public accountant licensed to practice in any United States jurisdiction; and have at least 4 years practical experience in one of the aforementioned fields or have 8 years family mediation experience with a minimum of 10 mediations per year;~~
- (3) ~~observe 2 family mediations conducted by a certified family mediator and conduct 2 family mediations under the supervision and observation of a certified family mediator; and~~
- (4) ~~be of good moral character.~~

(d)(e) Circuit Court Mediators. For initial certification as a mediator of circuit court matters, other than family matters, an applicant must 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. For certification a mediator of circuit court matters, other than family matters, must:

- (1) ~~complete a minimum of 40 hours in a circuit court mediation training program certified by the supreme court;~~
- (2) ~~be a member in good standing of The Florida Bar with at least 5 years of Florida practice and be an active member of The Florida Bar within 1 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 5 years immediately preceding the year certification is sought;~~
- (3) ~~observe 2 circuit court mediations conducted by a certified circuit mediator and conduct 2 circuit mediations under the supervision and observation of a certified circuit court mediator; and~~
- (4) ~~be of good moral character.~~

(e)(d) Dependency Mediators. For initial certification as a mediator of dependency matters, as defined in Florida Rules for Juvenile Procedure 8.290, an

applicant must 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. For certification a mediator of dependency matters, as defined in Florida Rules for Juvenile Procedure 8.290(a) must:

~~(1) — complete a supreme court certified dependency mediation training program as follows:~~

~~(A) — 40 hours if the applicant is not a certified family mediator or is a certified family mediator who has not mediated at least 4 dependency cases; or~~

~~(B) — 20 hours if the applicant is a certified family mediator who has mediated at least 4 dependency cases; and~~

~~(2) — have a master’s degree or doctorate in social work, mental health, behavioral sciences or social sciences; or be a physician licensed to practice adult or child psychiatry or pediatrics; or be an attorney licensed to practice in any United States jurisdiction; and~~

~~(3) — have 4 years experience in family and/or dependency issues or be a licensed mental health professional with at least 4 years practical experience or be a supreme court certified family or circuit mediator with a minimum of 20 mediations; and~~

~~(4) — observe 4 dependency mediations conducted by a certified dependency mediator and conduct 2 dependency mediations under the supervision and observation of a certified dependency mediator; and~~

~~(5) — be of good moral character.~~

(f) 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.

(g)(f) Special Conditions. Mediators who have been duly certified as circuit court or family mediators before July 1, 1990, shall be deemed qualified as circuit court or family mediators pursuant to these rules. Certified family mediators who have mediated a minimum of 4 dependency cases prior to July 1, 1997, shall be granted temporary certification and may continue to mediate dependency matters for no more than 1 year from the time that a training program pursuant to subdivision (d)(1)(B) is certified by the supreme court. Such mediators shall be deemed qualified to apply for certification as dependency mediators upon successful completion of the requirements of subdivision (d)(1)(B) and (d)(5) of this rule. Mediators who are certified prior to [the effective date of rule], shall not be subject to the point requirements for any category of certification in relation to which continuing certification is maintained.

Rule 10.110. Good Moral Character

(a) **General Requirement.** No person shall be certified by this Court as a mediator unless such person first produces satisfactory evidence of good moral character as required by rule 10.100.

(b) **Purpose.** The primary purpose of the requirement of good moral character is to ensure protection of the participants in mediation and the public, as well as to safeguard the justice system. A mediator shall have, as a prerequisite to certification and as a requirement for continuing certification, the good moral character sufficient to meet all of the Mediator Standards of Professional Conduct set out in rules 10.200-10.690.

(c) **Certification.** The following shall apply in relation to determining the good moral character required for initial and continuing mediator certification:

- (1) The applicant's or mediator's good moral character may be subject to inquiry when the applicant's or mediator's conduct is relevant to the qualifications of a mediator.
- (2) An applicant for initial certification who has been convicted of a felony shall not be eligible for certification until such person has received a restoration of civil rights.
- (3) An applicant for initial certification who is serving a sentence of felony probation shall not be eligible for certification until termination of the period of probation.
- (4) In assessing whether the applicant's or mediator's conduct demonstrates a present lack of good moral character the following factors shall be relevant:
 - (A) the extent to which the conduct would interfere with a mediator's duties and responsibilities;
 - (B) the area of mediation in which certification is sought or held;
 - (C) the factors underlying the conduct;
 - (D) the applicant's or mediator's age at the time of the conduct;
 - (E) the recency of the conduct;
 - (F) the reliability of the information concerning the conduct;
 - (G) the seriousness of the conduct as it relates to mediator qualifications;

- (H) the cumulative effect of the conduct or information;
- (I) any evidence of rehabilitation;
- (J) the applicant's or mediator's candor ; and
- (K) denial of application, disbarment, or suspension from any profession.

(d) Decertification. A certified mediator shall be subject to decertification for any knowing and willful incorrect material information contained in any mediator application. There is a presumption of knowing and willful violation if the application is completed, signed, and notarized.

Rule 10.120 Notice of Change of Address or Name.

- (a) Address Change.** Whenever any certified mediator changes residence or mailing address, that person must within 30 days thereafter notify the center of such change.

- (b) Name Change.** Whenever any certified mediator changes legal name, that person must within 30 days thereafter notify the center of such change.

Rule 10.130 Notification of Conviction.

- (a) Definition.** “Conviction” means a determination of guilt resulting from a plea of a felony or misdemeanor of the first degree, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. All Florida, federal, out-of-state, military, and foreign convictions as an adult or county ordinances that bring within the municipal or county code the violation of a state statute or statutes shall qualify as convictions.
- (b) Report of Conviction.** A conviction shall be reported in writing to the center within 30 days of such conviction. A report of conviction shall include a copy of the order or orders pursuant to which the conviction was entered.
- (c) Suspension.** Upon receipt of a report of felony conviction, the center shall immediately suspend all certifications and refer the matter to the qualifications complaint committee.
- (d) Referral.** Upon receipt of a report of a misdemeanor conviction, the center shall refer the matter to the qualifications complaint committee for appropriate action. If the center becomes aware of a conviction prior to the required notification, it shall refer the matter to the qualifications complaint committee for appropriate action.

Rule 10.360 Confidentiality.

(a) Scope. A mediator shall maintain confidentiality of all information revealed during mediation except where disclosure is required by law or is agreed to by all parties or where a mediation communication is willfully used to threaten a crime of violence.

(b) Caucus. Information obtained during caucus may not be revealed by the mediator to any other mediation participant without the consent of the disclosing party.

(c) Record Keeping. A mediator shall maintain confidentiality in the storage and disposal of records and shall not disclose any identifying information when materials are used for research, training, or statistical compilations.

Rule 10.370. ~~Professional Advice, or~~ Opinions, or Information

(a) Providing Information. Consistent with standards of impartiality and preserving party self-determination, a mediator may provide information that the mediator is qualified by training or experience to provide.

(b) Independent Legal Advice. When a mediator believes a party does not understand or appreciate how an agreement may adversely affect legal rights or obligations, the mediator shall advise the party of the right to seek independent legal counsel.

(c) Personal or Professional Opinion. A mediator shall not offer a personal or professional opinion intended to coerce the parties, unduly influence, decide the dispute, or direct a resolution of any issue. Consistent with standards of impartiality and preserving party self-determination however, a mediator may point out possible outcomes of the case and discuss the merits of a claim or defense. A mediator shall not offer a personal or professional opinion as to how the court in which the case has been filed will resolve the dispute.

Rule 10.420 Conduct of Mediation

(a) Orientation Session. Upon commencement of the mediation session, a mediator shall describe the mediation process and the role of the mediator, and shall inform the mediation participants that:

(1) mediation is a consensual process;

(2) the mediator is an impartial facilitator without authority to impose a resolution or adjudicate any aspect of the dispute; and

(3) communications made during the process are confidential, except where disclosure is required or permitted by law.

(b) Adjournment or Termination. A mediator shall:

(1) adjourn the mediation upon agreement of the parties;

(2) adjourn or terminate any mediation which, if continued, would result in unreasonable emotional or monetary costs to the parties;

(3) adjourn or terminate the mediation if the mediator believes the case is unsuitable for mediation or any party is unable or unwilling to participate meaningfully in the process;

(4) terminate a mediation entailing fraud, duress, the absence of bargaining ability, or unconscionability; and

(5) terminate any mediation if the physical safety of any person is endangered by the continuation of mediation.

(c) Closure. The mediator shall cause the terms of any agreement reached to be memorialized appropriately and discuss with the parties and counsel the process for formalization and implementation of the agreement.

Rule 10.720. Definitions

- (a) Board. The mediator qualifications board.
- (b) Center. The Florida Dispute Resolution Center of the Office of the State Courts Administrator.
- (c) Complaint. Formal submission of an alleged violation of the Rules for Certified and Court-Appointed Mediators, including allegations of a lack of good moral character. A complaint may originate from any person or from the center ~~Center~~.
- (d) Complaint Committee. Three members of the board from the division in which a complaint against a mediator originates.
- (e) Counsel. Counsel appointed by the center, at the direction of the complaint committee, responsible for presenting the complaint to the panel.
- (f) Division. One of 3 standing divisions of the mediator qualifications board, established on a regional basis.
- (g) Investigator. A certified mediator, or attorney, or other qualified individual appointed by the center at the direction of a complaint committee.
- (h) Mediator. A person certified by the Florida Supreme Court or an individual mediating pursuant to court order.
- (i) Panel. Five members of the board from the division in which a complaint against a mediator originates.
- (j) Qualifications Complaint Committee. Three members of the board selected for the purpose of considering referrals pursuant to rule 10.800.

Rule 10.740. Jurisdiction

- (a) Complaint Committee. Each complaint committee shall have such jurisdiction and powers as are necessary to conduct the proper and speedy investigation and disposition of any complaint. The judge or attorney presiding over the complaint committee shall have the power to compel the attendance of witnesses, to take or to cause to be taken the depositions of witnesses, and to order the production of records or other documentary evidence, and the power of contempt. The complaint committee shall perform its investigatory function and have concomitant power to resolve cases prior to panel referral.

- (b) Qualifications Complaint Committee. The qualifications complaint committee shall have jurisdiction over all matters referred pursuant to rule 10.800. The qualifications complaint committee shall have such jurisdiction and powers as are necessary to conduct the proper and speedy investigation and disposition of any good moral character complaint or other matter referred by the center ~~Center~~. The judge or attorney presiding over the qualifications complaint committee shall have the power to compel the attendance of witnesses, to take or to cause to be taken the depositions of witnesses, and to order the production of records or other documentary evidence, and the power of contempt. The qualifications complaint committee shall perform its investigatory function and have concomitant power to resolve cases prior to panel referral.

- (c) Panel. Each panel shall have such jurisdiction and powers as are necessary to conduct the proper and speedy adjudication and disposition of any proceeding. The judge presiding over each panel shall have the power to compel the attendance of witnesses, to take or to cause to be taken the depositions of witnesses, to order the production of records or other documentary evidence, and the power of contempt. The panel shall perform the adjudicatory function, but shall not have any investigatory functions.

- (d) Contempt. Should any witness fail, without justification, to respond to the lawful subpoena of the complaint committee, the qualifications complaint committee, or the panel or, having responded, fail or refuse to answer all inquiries or to turn over evidence that has been lawfully subpoenaed, or should any person be guilty of disorderly or contemptuous conduct before any proceeding of the complaint committee, the qualifications complaint committee, or the panel, a motion may be filed by the complaint committee, the qualifications complaint committee, or the panel before the circuit court of the county in which the contemptuous act was committed. The motion shall allege the specific failure on the part of the witness or the specific disorderly or contemptuous act of the person which forms the basis of the alleged contempt of the complaint committee, the qualifications complaint committee, or the panel. Such motion shall pray for the issuance of an order to show cause before the circuit court why the circuit court should not find the person in contempt of the complaint committee, the qualifications complaint committee, or the panel and the person should not be punished by the court therefor. The circuit court shall issue such orders and judgments therein as the court deems appropriate.

Rule 10.800. Good Moral Character; Professional Discipline

(a) Good Moral Character.

- (1) Prior to approving an applicant for certification or renewal as a mediator the center ~~Center~~ shall review the application to determine whether the applicant appears to meet the standards for good moral character. If the center's ~~Center's~~ review of an application for certification or renewal raises any questions regarding the applicant's good moral character, the center ~~Center~~ shall request the applicant to supply additional information as necessary. Upon completing this extended review, the center ~~Center~~ shall forward the application and supporting material as a complaint to the qualifications complaint committee.
- (2) If the center ~~Center~~ becomes aware of any information concerning a certified mediator which could constitute credible evidence of a lack of good moral character, the center ~~Center~~ shall refer such information as a complaint to the qualifications complaint committee.
- (3) The qualifications complaint committee shall review all documentation relating to the good moral character of any applicant or certified mediator in a manner consistent, insofar as applicable, with rule 10.810. In relation to an applicant, the qualifications complaint committee shall either recommend approval or, if it finds there is probable cause to believe that the applicant lacks good moral character, it shall refer the matter to a hearing panel for further action. In relation to a certified mediator, the qualifications complaint committee shall dismiss or, if there is probable cause to believe that the mediator lacks good moral character, refer the matter to a hearing panel for further action.
- (4) The panel shall take appropriate action on the issue of good moral character by dismissing the charges, denying the application in relation to an applicant, or imposing sanctions against a certified mediator pursuant to rule 10.830.
- (5) All such hearings shall be held in a manner consistent, insofar as applicable, with rule 10.820.

(b) **Professional ~~Discipline~~ Licenses and Certifications.**

- (1) A certified mediator shall inform the center, in writing, of the change in status of any professional license held by the mediator within 30 days of such change.
- (2) Upon becoming aware that a certified mediator has been disciplined by a professional organization of which that mediator is a member, the center ~~Center~~ shall refer the matter to the qualifications complaint committee.

Rule 10.810. Committee Process

- (a) **Initiation of Complaint.** Any individual wishing to make a complaint alleging that a mediator has violated one or more provisions of these rules shall do so in writing under oath. The complaint shall state with particularity the specific facts that form the basis of the complaint.
- (b) **Filing.** The complaint shall be filed with the center, or, in the alternative, the complaint may be filed in the office of the court administrator in the circuit in which the case originated or, if not case specific, in the circuit where the alleged misconduct occurred.
- (c) **Referral.** The complaint, if filed in the office of the court administrator, shall be referred to the center within 5 days of filing.
- (d) **Assignment to Committee.** Upon receipt of a complaint in proper form, the center shall assign the complaint to a complaint committee or the qualifications complaint committee within 10 days.
- (e) **Facial Sufficiency Determination.** The complaint committee or the qualifications complaint committee shall convene, either in person or by conference call, to determine whether the allegation(s), if true, would constitute a violation of these rules. If the committee finds a complaint against a certified mediator to be facially insufficient, the complaint shall be dismissed without prejudice and the complainant and the mediator shall be so notified. If the qualifications complaint committee finds a complaint against an applicant to be facially insufficient, the complaint shall be dismissed and the application approved if all other requirements are met. If the complaint is found to be facially sufficient, the committee shall prepare a list of any rule or rules which may have been violated and shall submit such to the center.
- (f) **Service.** The center shall ~~send~~ serve a copy of the list of alleged rule violations prepared by the committee, a copy of the complaint, and a copy of these rules to the mediator or applicant in question. Service on the mediator or applicant shall be made by ~~registered or~~ certified mail addressed to the mediator or applicant at the mediator's or applicant's place of business or residence on file with the center. Mailing to such an address shall constitute service.

(g) Response. Within 20 days of the receipt of the list of violations prepared by the committee and the complaint, the mediator or applicant shall send a written, sworn response to the center by registered or certified mail. If the mediator or applicant does not respond, the allegations shall be deemed admitted.

(h) Preliminary Review. Upon review of the complaint and the mediator's or applicant's response, the committee may find that no violation has occurred and dismiss the complaint. The committee may also resolve the issue pursuant to subdivision (j) of this rule.

(i) Appointment of Investigator. The committee, after review of the complaint and response, may direct the center to appoint an investigator to assist the committee in any of its functions. Such person shall investigate the complaint and advise the committee when it meets to determine the existence of probable cause. In the alternative to appointing an investigator, the committee or any member or members thereof may investigate the allegations, if so directed by the committee chair. Such investigation may include meeting with the mediator, the applicant and the complainant.

(j) Committee Meeting with the Mediator or Applicant. Notwithstanding any other provision in this rule, at any time while the committee has jurisdiction, it may meet with the complainant and the mediator or applicant, jointly or separately, in an effort to resolve the matter. This resolution may include sanctions if agreed to by the mediator or applicant. If sanctions are accepted, all relevant documentation shall be forwarded to the center. Such conferences shall be in person, by video-conference or teleconference at the discretion of the committee.

(k) Review. If no other disposition has occurred, the committee shall review the complaint, the response, and any investigative report, including any underlying documentation, to determine whether there is probable cause to believe that the alleged misconduct occurred and would constitute a violation of the rules.

(l) No Probable Cause. If the committee finds no probable cause, it shall dismiss the complaint and so advise the complainant and the mediator or applicant in writing.

(m) Probable Cause Found. If probable cause exists, the committee may draft formal charges and forward such charges to the center for assignment to a panel. In the alternative, the committee may decide not to pursue the case by filing a short and plain statement of the reason~~(s)~~ or reasons for non-referral and so advise the complainant and the mediator or applicant in writing.

(n) Formal Charges and Counsel. If the committee refers a complaint to the center, the committee shall submit to the center formal charges which shall include a short and plain statement of the matters asserted in the complaint and references to the particular sections of the rules involved. After considering the circumstances of the complaint and the complexity of the issues to be heard, the committee may direct the center to appoint a member of The Florida Bar to investigate and prosecute the complaint. Such counsel may be the investigator appointed pursuant to this rule if such person is otherwise qualified.

(o) Dismissal. Upon the filing of a stipulation of dismissal signed by the complainant and the mediator with the concurrence of the complaint committee, the action shall be dismissed. If an application is withdrawn by the applicant, the complaint shall be dismissed with or without prejudice depending on the circumstances.

Rule 10.820. Hearing Procedures

(a) **Assignment to Panel.** Upon referral of a complaint and formal charges from a committee, the center shall assign the complaint and formal charges or other matter to a panel for hearing, with notice of assignment to the complainant and the mediator or applicant. No member of the committee shall serve as a member of the panel.

(b) **Hearing.** The center shall schedule a hearing not more than 90 days nor less than 30 days from the date of notice of assignment of the matter to the panel. At any time prior to the hearing, the panel may accept an admission to any or all charges and impose sanctions upon the mediator. The panel shall not be required to physically meet in person to accept such admission.

(c) **Dismissal.** Upon the filing of a stipulation of dismissal signed by the complainant and the mediator, and with the concurrence of the panel, a complaint shall be dismissed.

(d) **Procedures for Hearing.** The procedures for hearing shall be as follows:

- (1) No hearing shall be conducted without 5 panel members physically present.
- (2) The hearing may be conducted informally but with decorum.
- (3) The rules of evidence applicable to trial of civil actions apply but are to be liberally construed.
- (4) Upon a showing of good cause to the panel, testimony of any party or witness may be presented over the telephone.

(e) **Right to Defend.** A mediator or applicant shall have the right to defend against all charges and shall have the right to be represented by an attorney, to examine and cross-examine witnesses, to compel the attendance of witnesses to testify, and to compel the production of documents and other evidentiary matter through the subpoena power of the panel.

(f) Mediator or Applicant Discovery. The center shall, upon written demand of a mediator, applicant, or counsel of record, promptly furnish the following: the names and addresses of all witnesses whose testimony is expected to be offered at the hearing, together with copies of all written statements and transcripts of the testimony of such witnesses in the possession of the counsel or the center which are relevant to the subject matter of the hearing and which have not previously been furnished.

(g) Panel Discovery. The mediator, applicant, or counsel of record shall, upon written demand of the counsel or the center, promptly furnish the following: the names and addresses of all witnesses whose testimony is expected to be offered at the hearing, together with copies of all written statements and transcripts of the testimony of such witnesses in the possession of the mediator, applicant, or counsel of record which are relevant to the subject matter of the hearing and which have not previously been furnished.

(h) Failure to Appear. Absent a showing of good cause, if the complainant fails to appear at the hearing, the panel may dismiss a complaint for want of prosecution.

(i) Mediator's or Applicant's Absence. If the mediator or applicant fails to appear, absent a showing of good cause, the hearing shall proceed.

(j) Rehearing. If the matter is heard in the mediator's or applicant's absence, the mediator or applicant may petition for rehearing, for good cause, within 10 days of the date of the hearing.

(k) Recording. Any party shall have the right, without any order or approval, to have all or any portion of the testimony in the proceedings reported and transcribed by a court reporter at the party's expense.

(l) Dismissal. Upon dismissal, the panel shall promptly file a copy of the dismissal order with the center.

(m) Sanctions. If, after the hearing, a majority of the panel finds that there is clear and convincing evidence to support a violation of the rules, the panel shall impose such sanctions included in rule 10.830 as it deems appropriate and report such action to the center.

(n) Denial of Application for Certification. If, after a hearing, a majority of the panel finds by the preponderance of the evidence that an applicant should not be certified as a mediator, the panel shall deny the application and report such action to the center.

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, which ever comes later. In order to become reinstated, such decertified mediator, must comply with the requirements of subdivision (g).

(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 the

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.

~~(e)~~**(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.

~~(d)~~**(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.

~~(e)~~**(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.

~~(f)~~**(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.

~~(g)~~**(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 ~~3~~ **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; 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.

Rule 10.880. Supreme Court Chief Justice Review

(a) Right of Review. Any mediator or applicant found to have committed a violation of these rules or is otherwise sanctioned by a hearing panel shall have a right of review of the action taken by the panel. Review of this type shall be by ~~under the jurisdiction of the~~ Chief Justice of the Supreme Court of Florida. Notice of review shall be filed with the clerk of the Supreme Court of Florida. A mediator shall have no right of review of any solution reached pursuant to rule 10.810(j)

(b) Rules of Procedure. The Florida Rules of Appellate Procedure shall be applicable to review by the Florida Supreme Court. Review shall be commenced by filing a Notice of Review of Mediator Disciplinary Action and shall be conducted pursuant to the following procedures:

(1) The jurisdiction to seek review of disciplinary action shall be invoked by filing 2 copies of a notice of review filed with the clerk of the Supreme Court within 30 days of the panel's decision. A copy shall also be provided to the center.

(2) The notice of review shall be substantially in the form prescribed by rule 9.900(a), Florida Rules of Appellate Procedure. A conformed copy of the panel decision shall be attached to the notice.

(3) Appellant's initial brief, accompanied by an appendix as prescribed by rule 9.220, Florida Rules of Appellate Procedure, shall be served within 30 days of filing the notice of review. Additional briefs shall be served as prescribed by rule 9.210. A transcript shall not be filed with the clerk unless ordered by the Chief Justice.