

**Operating Procedures Governing the Certification of Mediators  
Adopted by the Florida Supreme Court  
Committee on Alternative Dispute Resolution Rules and Policy  
Effective November 1, 2021**

**I. Initial Certification**

**A. Application**

The certification application provided by the Dispute Resolution Center (DRC) must be completed by all individuals seeking certification, in accordance with the following procedures.

The DRC must provide, to all individuals who have successfully completed a certified mediation training program, an application and information on the certification requirements.

An application must be complete upon filing with the DRC. However, if an application is received which is not complete upon filing, such application may not remain pending for a period longer than one year. Any application pending more than one year from the date of original filing must be denied and returned to the applicant. The one-year period must be tolled during any review by the DRC or Mediator Qualifications and Discipline Review Board (MQDRB).

Any material misrepresentation by the applicant in the application process must be automatically referred to the MQDRB.

**B. Certification Requirements**

To obtain certification, applicants for county, family, circuit and dependency mediator must meet all certification requirements in rules 10.100, 10.105 and 10.110, Florida Rules for Certified and Court-Appointed Mediators, and these operating procedures. Applicants for appellate mediator certification must meet all certification requirements in rules 10.100 and 10.110, Florida Rules for Certified and Court-Appointed Mediators, and these operating procedures.

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**1. Good Moral Character**

For applicants seeking certification and mediators adding additional areas of certification after April 1, 2018, the requirements of Florida Rule for Certified and Court-Appointed Mediators 10.110, Good Moral Character, will be satisfied, in part, by submitting to a Florida Department of Law Enforcement (FDLE) criminal background check at the applicant's expense. Applicants are required to be fingerprinted by a Livescan Service Provider. The list of providers throughout the state can be found on the FDLE website. The applicant will provide the DRC's Originating Agency Identification (ORI) number, FL737127Z, to the Livescan Service Provider so that the background screening results are sent directly from FDLE to the DRC. The applicant must file his or her mediator certification application with the DRC within 90 days of being fingerprinted; applicants who fail to do so will be required to be rescreened at their own expense. Mediator certification applications will not be considered complete and processed until the results of the criminal background screening have been received by the DRC. After April 1, 2018, if a mediator applies for another type of mediator certification within two years of his or her initial certification date, additional background screenings will not be required for the additional certification(s). Applicants who have been fingerprinted from August 3, 2021 (90 days prior to November 1, 2021), through October 2, 2022 (90 days prior to December 31, 2022), shall be eligible to use FDLE fingerprint screening completed from August 3, 2021 through October 2, 2022.

An initial applicant for county mediator certification who is sponsored into training by a trial court alternative dispute resolution program to serve as a small claims

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mediator for the program is eligible for an exemption from the criminal background check process described above provided the following two conditions are met: first, the local court program has already received, at a minimum, Level I criminal background screening results based on fingerprints from FDLE; and second, the program notified the DRC in writing at the time of application submission that the applicant has passed the criminal background screening and is approved to serve as a small claims mediator.

**2. Point Categories**

**a. Mediation Training.** Applicants must complete a Supreme Court of Florida certified training program for the type of mediation for which they are seeking certification. To qualify as a Supreme Court of Florida certified training program, a training program must satisfy all of the requirements of the Operating Procedures for Certified Mediation Training Programs adopted by the Florida Supreme Court Committee (Committee) on Alternative Dispute Resolution Rules and Policy.

Applicants must file their application with the DRC no later than two years from the date of conclusion of the requisite certified mediation training program.

**b. Education/Mediation Experience.** Any applicant relying on an educational degree must provide evidence of such degree in the form of an official transcript sent directly from the educational institution to the DRC. In the event that such documentation is unavailable, the applicant must submit another form of appropriate documentation, such as a sworn affidavit.

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In lieu of an official transcript, a member of The Florida Bar must provide verification from The Florida Bar reflecting the applicant's membership. The verification must be dated no more than 90 days prior to the date of filing an application for mediator certification.

Proof of educational points via an official transcript only needs to be submitted once to the DRC regardless of the number of certifications sought or applications submitted.

**c. Mentorship.** Mentorship must include observing mediations conducted by certified mediators and may include conducting mediations under the supervision and observation of certified mediators. A trainee is not required to participate in supervised mediations under the certification point system. There is no requirement that either type of mentorship be conducted in person; both types of mentorship are permitted to be conducted by remote electronic means, either by audio or audio-video communication technology.

The mentorship requirements for those seeking certification must be performed in a manner consistent with the following requirements. The responsibility of structuring a mentorship rests with each trainee. The trainee must not receive any fees for any case which 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 must not charge the trainee any fees

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to observe 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 must be entitled to any compensation paid for the mediation.

The certified mediator must 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.

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

Applicants must provide original or electronic signatures of all mentors in relation to all mentorship activity claimed. In lieu of original or electronic signatures, the DRC will accept an email from the mentor verifying mentorship activities. Such email verification must be addressed to the applicant or the DRC.

A trainee must not fulfill any of the mentorship requirements completed before beginning the certified mediation training program; however, a trainee may be awarded points for observations completed after the commencement but prior to the conclusion of the certified mediation training program. A supervised mediation must only be conducted by a trainee after the completion of a certified mediation training program.

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**i. 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 must 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) if 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 homeowner 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.

**ii. Supervised Mediations**

A supervised mediation is defined as one in which the trainee 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 must 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.

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For purposes of conducting supervised mediations, mediation is defined as a complete case, which may consist of multiple sessions. The entire mediation must 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 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 homeowner 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 mediation conducted under rules and procedures other than those of the state trial courts may not be utilized to fulfill the mentorship requirements.

**d. Miscellaneous Points.** The Committee will set the standard for miscellaneous points documentation.

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**3. Fees**

Application, certification, and renewal fees must be as follows.

Application Fee	\$20.00 <sup>1</sup> (nonrefundable)
Certification and Renewal Fees:	
County	\$40.00 <sup>2</sup>
Family	\$150.00
Circuit	\$150.00
Dependency	\$100.00
Appellate	\$100.00
Family/Circuit	\$275.00
Family/Dependency	\$225.00
Circuit/Dependency	\$225.00
Family/Appellate	\$225.00
Circuit/Appellate	\$225.00
Dependency/Appellate	\$175.00
Family/Dependency/Circuit	\$375.00
Family/Circuit/Appellate	\$375.00
Family/Dependency/Appellate	\$325.00
Circuit/Dependency/Appellate	\$325.00
Family/Dependency/Circuit/Appellate	\$450.00

Certification fees must be returned to applicants who, upon review of their applications, are deemed ineligible to be certified. Applicants who are denied certification may reapply upon compliance with the qualifications for certification.

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<sup>1</sup> The \$20 application fee is nonrefundable.

<sup>2</sup> The \$40 county fee is not reduced and must be added to any of the combination fees listed above.

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Applicants who meet the requirements for mediator certification will be certified for a two-year period and will be provided with a certificate from the Supreme Court of Florida evidencing such certification.

**4. Review Process**

An applicant who disagrees with a finding of ineligibility may respond in writing within 30 days of the initial determination of ineligibility as indicated in a certificate of mailing. Any such response will be reviewed by a three-person subcommittee of the Committee appointed to review such matters, which will make a recommendation to the full Committee. The decision of the full Committee will be final.

**II. Certification Renewal**

**A. Application for Renewal**

Mediators seeking continued certification must file an application for renewal and a completed Continuing Mediator Education (CME) Reporting Form accompanied by renewal fees with the DRC prior to the expiration of their mediator certification. Mediators must file a renewal application, CME Reporting Form, and applicable fees two years after their initial certification and every two years thereafter. Mediators may not submit their renewal materials more than one year prior to their renewal date.

Mediators seeking renewal for appellate mediator certification must also be required to maintain no less than one of their previous certifications in family, dependency, or circuit court mediation.

Any material misrepresentation by a mediator in the renewal process must be automatically referred to the MQDRB.

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**B. Continuing Mediator Education**

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

**1. General Requirements**

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

**a. Number of Hours.** All certified mediators (mediators) must complete a minimum of:

**i. Generally**

All mediators must complete 16 hours of CME that must include a minimum of four hours of mediator ethics, a minimum of two hours of interpersonal violence education<sup>3</sup>, and a minimum of one hour of diversity/cultural awareness education in each two-year renewal cycle, including the two years following initial certification.

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<sup>3</sup> 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).

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**ii. Family and Dependency**

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 are only required to obtain 16 hours of CME regardless of the number of certifications held.

**b. Methods of Obtaining CME Hours**

**i. Continuing Education from Other Professions**

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 these operating procedures.

**ii. Educational Formats**

CME may be completed by any of the following educational formats:

- 1) attendance at a live lecture or seminar; or
- 2) attendance at an internet based presentation; or
- 3) participation as a lecturer, presenter, or panel member in a CME program; or

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- 4) serving as a mentor under rule 10.100, Florida Rules for Certified and Court-Appointed Mediators. Mentorship hours are limited to eight hours. Mentoring hours cannot be applied toward the required ethics, cultural diversity, or interpersonal violence education (IPV) CME components; or
- (5) attendance at court alternative dispute resolution committee and board meetings for the time spent on mediation topics; or listening to or viewing previously recorded presentations; or
- (6) authoring or editing written materials submitted for publication that have significant intellectual or practical content directly related to the practice of mediation; or
- (7) successfully completing a self-directed program that is qualified for continuing education credit by a governmental licensing board.

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

## **2. 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 must be responsible for maintaining all records relating to CME, which records must be subject to audit.

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Any CME hours completed may be utilized for only one renewal cycle. Hours in excess of the minimum requirement must not be carried forward to the next renewal cycle. Mediators may begin earning CME hours for their next renewal cycle upon submission of the mediator's completed renewal form, renewal fees, and required CME hours.

Attending and lecturing or teaching at the same CME presentation will not entitle a mediator to additional credit. This prohibition against repeat attendance will 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 must be notified in writing and certification must be continued for 90 days from the mediator's renewal date. During those 90 days, the mediator must complete all remaining CME requirements in order to be eligible for renewal without penalty.

**c. Review Process**

A mediator who disagrees with a finding of ineligibility to renew may respond in writing within 30 days of the initial determination as indicated in a certificate of mailing. Any such response will be reviewed by a three-person subcommittee of the Committee appointed to review such matters, which will make a recommendation to the full Committee. The decision of the full Committee will be final.

A mediator may request from the DRC an extension of the renewal requirements and a waiver of any penalties for an extraordinary hardship. The request must be made in writing. If such request is denied, a request for review may

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be taken to the three-person subcommittee of the Committee appointed to review such matters, which will make a recommendation to the full Committee. The decision of the full Committee will be final.

**d. Fees**

Renewal fees must be at the same levels as for initial certification. All mediators seeking renewal must be responsible for these fees. However, for renewals that are filed timely, the \$40 county mediator renewal fee will be waived upon written confirmation from the trial court ADR director (or designee) that the mediator served as a volunteer in the county court mediation program a minimum of six times during the prior certification period.

**III. Inactive Status**

Mediator's may elect to be placed on inactive status at any time during their current renewal cycle, and no more than 90 days post-renewal date, by filing an inactive request form. Mediators may claim an inactive status for no more than five years from the filing of their inactive request form. Inactive mediators must not be entitled to refer to themselves as Florida Supreme Court certified mediators.

Mediators seeking to change their status from inactive to certified must file: a renewal form; renewal fee(s); completed CME form reflecting 16 hours of continuing mediator education; and a reinstatement fee. Regardless of the amount of time a mediator is inactive, county mediators are subject to a \$20 reinstatement fee, and all other mediators \$50 reinstatement per area of certification, but no more than a maximum fee of \$150. Mediators who have been on inactive status for more than two years must also submit to a Florida Department of Law Enforcement (FDLE) criminal background check at the applicant's expense in accordance with

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section I, Initial Certification, B. Certification Requirements, 1. Good Moral Character.

Mediators who make an election for inactive status during their current renewal cycle are not eligible for a refund of any portion of their renewal fees. Mediators who are inactive less than one year are not subject to reinstatement fees.

Mediators who do not renew their certification(s) before or at the end of the five-year inactive status must be required to meet all of the initial requirements for certification.

**IV. Lapsed Procedures**

Mediators whose certification have lapsed are eligible to renew their certification for no more than five years from their lapse date.

There are no penalties for mediators who lapse and submit their renewal form, renewal fees, and required CME which is postmarked between one and 30 days post-renewal date.

Mediators who lapse for more than 30 days must be renewed upon the submission of: a renewal form; renewal fee(s); 16 hours of CME and two hours of additional CME per year lapsed; and a lapsed fee. Regardless of the years lapsed, county mediators are subject to a \$100 lapsed fee, and all other mediators a total of a \$250 lapsed fee. Mediators who have lapsed for more than 30 days and less than one year are not subject to additional CME requirements. Mediators who have been lapsed for more than two years must also submit to a FDLE criminal background check at the applicant's expense in accordance with Section I, Initial Certification, B. Certification Requirements, 1. Good Moral Character.

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Mediators who are lapsed more than five years must be required to meet all of the initial requirements for certification.

**V. Administrative Responsibility**

Administrative responsibility for implementation of the provisions of Chapter 44, Florida Statutes; rules 10.100, 10.105, 10.110, and 10.140, Florida Rules for Certified and Court-Appointed Mediators; and these operating procedures must be with the Dispute Resolution Center in the Office of the State Courts Administrator.

All certification, application, renewal, inactive reinstatement, and lapsed fees must be used to provide support for implementing the applicable statutes, rules, and these operating procedures.

**VI. Effective Date**

The provisions of these operating procedures are effective on November 1, 2021. Section III, Inactive Status, is retroactive for 90 days from the effective date. Section IV, Lapsed Procedures, is retroactive to include renewal applicants who have lapsed their certification(s) no more than five years from the effective date. Mediators who lapsed their certification(s) more than five years from the effective date must meet the requirements for initial certification as contained in the Rules for Certified and Court-Appointed Mediators and these operating procedures.