Supreme Court of Florida

No. AOSC20-24

IN RE: ALTERNATIVE DISPUTE RESOLUTION EDUCATIONAL AND CERTIFICATION REQUIREMENTS

ADMINISTRATIVE ORDER

WHEREAS the Florida State Court System continues to monitor and take measures to address the effects on court operations of the Coronavirus Disease 2019 (COVID-19) pandemic; and

WHEREAS section 44.106, Florida Statutes, requires the Supreme Court of Florida to establish standards and procedures for qualifications, certification, professional conduct, discipline, and training for mediators and arbitrators who are appointed pursuant to chapter 44, Florida Statutes, and section 61.125, Florida Statutes, requires the Supreme Court of Florida to establish standards and procedures for the training, ethical conduct, and discipline of parenting coordinators who serve under section 61.125, Florida Statutes;

NOW THEREFORE, pursuant to the authority conferred upon me by article V, section 2(b), of the Florida Constitution, and Florida Rules of Judicial Administration 2.205(a)(2)(B)(iv) and 2.205(a)(2)(B)(v),

IT IS ORDERED that:

I. Mediator Certification Training

A. Physical Attendance

The requirement of training standard 2.07, Participant Attendance, established by *In re: Mediation Training Standards and Procedures Including Appointments to the Mediation Training Review Board*, Fla. Admin. Order No. AOSC17-25 (May 3, 2017), that participants in mediator certification training programs shall complete their training by physically attending a live training program is suspended during the period from the date of this order through December 31, 2020. During that period, trainers shall be allowed to conduct and participants allowed to participate in training delivered via remote electronic means in which the trainer communicates through both audio and visual means with the participants; for example, via video of prerecorded lecture with visual component, video conference, electronic messaging, or teleconferencing. Trainers who avail themselves of this process shall submit a statement to the Dispute Resolution Center (hereinafter Center) identifying the electronic means they will use to meet the requirements for training, particularly for the role plays required by training standard 2.03, Training Methodology. The statement

shall be provided with the agenda submitted prior to each training. All other training requirements shall remain in effect.

B. Renewal of Primary and Assistant Trainer Status

Primary and assistant trainers shall be granted an extension from the date of this order through December 31, 2020, to complete the requirements for renewal of their mediator trainer status as listed in mediation training standard 2.04, Trainer Qualifications, *Id.* at 10-19.

C. Certified Mediator Training Programs

Mediator training programs are certified by the Court for five years and may submit an application for renewal up to six months before certification expires to ensure uninterrupted certification. During the period that a training program is certified, the program provides the Center with any and all changes made to training materials, including any modifications and updates of information. The Center reviews the amendments and determines if substantial changes have been made to render the program a new program requiring separate certification. Certified mediator training programs shall be granted an extension from the date of this order through December 31, 2020, to complete the requirements for renewal of their program certification as required by mediation training standards 2.10, Modifications, and 2.12, Renewals, *Id.* at 21-22.

II. Mediator Certification

Regarding the requirements for the initial certification of mediators established in *In re: Procedures Governing Certification of Mediators*, Fla. Admin. Order No. AOSC19-26 (May 28, 2019):

A. Time for Filing Application

Currently, applicants are required to file their certification application with the Center no later than two years from the date of conclusion of the requisite certified mediation training program they attended. Any applicant whose two-year period for filing their application would normally expire between the date of this order and December 31, 2020, is hereby granted an extension for filing through December 31, 2020.

B. Time for Filing Items to Complete Application

Any applicant who has filed an incomplete application and whose one-year deadline for filing the items to complete the application would normally expire between the date of this order and December 31, 2020, is hereby granted an extension for filing those items through December 31, 2020**.**

C. Criminal Background Screening

Currently, a mediator certification applicant must file his or her mediator certification application with the Center within 90 days of

completing Florida Department of Law Enforcement (hereinafter FDLE) background screening based upon fingerprints; applicants who fail to do so are currently required to be rescreened at their own expense. Under the provisions of this order, the 90-day requirement is waived and any applicant who has completed such background screening shall be allowed through December 31, 2020, to file his or her mediator certification application with the Center. Any applicant who submits an application after the entry of this order through December 31, 2020, shall be eligible to use FDLE background fingerprint screening completed through December 31, 2020.

III. Renewal of Mediator Certification

Under the requirements for certification renewal of mediators in *In re: Procedures Governing Certification of Mediators,* Fla. Admin. Order No. AOSC19-26 (May 28, 2019), a certified mediator must pay a fee to renew each type of certification they hold: county, family, circuit, dependency, and or appellate. A mediator must renew certification every two years by completing an application form and 16 hours of continuing mediator education (CME) prior to the expiration of their certification.

A. Late Fees and Timeframes

1. Currently, if all other qualifications for renewal are satisfied and all renewal fees are paid or waived but a mediator is deficient in

CME credits, the mediator is notified in writing and certification is continued for 90 days from the notice of noncompliance. During those 90 days, the mediator shall complete all remaining CME requirements in order to be eligible for renewal. Additionally, mediators who do not complete the remaining CME requirements within the 90 days and mediators whose renewal has lapsed up to 365 days are required to pay late fees. From the date of this order through December 31, 2020, the 90-day time period is extended to 180 days as long as the 180 days does not conclude later than December 31, 2020, and any mediator whose renewal has lapsed for not more than 365 days may renew certification without assessment of a late fee. All mediators shall submit all renewal fees and CME requirements by December 31, 2020, in order to be eligible for renewal.

2. Currently, a mediator who applies for certification after lapsing 365 days is required to meet the requirements for certification as a new mediator, including satisfactory completion of a certified mediation training program and fulfillment of the mentorship requirements. Any mediator whose renewal has lapsed within 365 days of the date of this order is still eligible for renewal through December 31, 2020, and may apply for renewal without a late fee

assessment by completing all renewal fee payment and CME requirements by December 31, 2020.

B. Live Continuing Mediator Education (CME)

The requirement that eight of the 16 required continuing mediator education hours be completed via live methods of education is suspended so that all CME hours can be completed in any method of education defined in *In re: Procedures Governing Certification of Mediators,* Fla. Admin. Order No. AOSC19-26 (May 28, 2019), through December 31, 2020.

All other provisions governing the certification and renewal of certification of mediators shall remain in effect.

IV. Parenting Coordination, Physical Attendance at Training

The requirement of training standard 5(a), Completion of Training and Evaluation of Students, established in *In re: Parenting Coordinator Application Form and Training Standards*, Fla. Admin. Order No. AOSC14-64 (Nov. 14, 2014), that participants in parenting coordinator training programs shall complete their training by physically attending a live training program is suspended during the period from the date of this order through December 31, 2020. During that period, trainers shall be allowed to conduct and participants allowed to participate in training delivered via

remote electronic means in which the trainer communicates through both audio and visual means with the participants; for example, via video of prerecorded lecture with visual component, video conference, electronic messaging, or teleconferencing. Trainers who avail themselves of this process shall submit a statement to the Center prior to the training identifying the electronic means they will use to meet the requirements for the role plays required by training standard 2(b). All other training requirements shall remain in effect.

V. Arbitration, Physical Attendance at Training

The requirement of the *Essential Attributes for Arbitration Training Approval by the Supreme Court of Florida* (July 2006) that arbitrators be trained via live format shall be suspended through December 31, 2020. During this period, trainers shall be allowed to conduct and participants allowed to participate in training delivered via remote electronic means in which the trainer communicates through both audio and visual means with the participants; for example, via video of prerecorded lecture with visual component, video conference, electronic messaging, or teleconferencing. All other training requirements shall remain in effect.

These provisions are not retroactive and are effective upon signing of this administrative order.

DONE AND ORDERED at Tallahassee, Florida, on April 7, 2020.

AOSC20-24 4/7/2020

Chief Justice Charles T. Canady

AOSC20-24 4/7/2020

ATTEST:

AOSC20-24 4/7/2020

John A. Tomasino, Clerk of Court

AOSC20-24 4/7/2020