

10 December 1999

THE QUESTION

Is there anything that would prevent me from being able to do private mediations on my off time if I am currently a full time mediator employed by the county?

Certified County, Family & Dependency Mediator  
Southern Division

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AUTHORITY REFERENCED

Florida Rules for Certified and Court-Appointed Mediators: 10.030, 10.040,  
10.070(a), 10.070(b)

Florida Statutes: Chapter 112, Part III

SUMMARY OF THE OPINION

The mediation rules do not prohibit such activity so long as all rule requirements regarding general integrity and impartiality are observed. However, the Code of Ethics for Public Officers and Employees found in chapter 112, Florida Statutes, should also be consulted.

OPINION

The panel does not believe that any mediation rules prohibit a full-time governmental mediator conducting private mediations on that mediator's off time if all rule requirements regarding general integrity and impartiality are observed. See rule 10.030, 10.040, and 10.070(a). The panel also points to rule 10.070(b), which requires disclosures under described circumstances involving possible conflicts of interest and specifically prohibits a mediator from "[using] the mediation process to solicit, encourage, or otherwise incur future professional services with either party." The panel cautions that you not use your county job to solicit business for your private mediation practice.

Although the panel believes that your situation does not violate any mediation rules, the panel suggests that you also consult chapter 112, Florida Statutes. Part III of this chapter, which is the Code of Ethics for Public Officers and Employees, outlines various prohibitions relating to public employees.

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Date

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Charles M. Rieders, Panel Chair