

## Who should attend and what should be brought to the conference?

Anyone who has an interest in the dispute, as well as the insurance company representative, should attend. Lawyers are optional. Those who don't speak English are required to furnish interpreters. Bring all documents relating to your claim, including the complete policy, photographs, estimates, bills, reports, letters and other papers. It is important to bring specific dollar estimates or quotes for all claims items.

## When and where will the conference be held?

The mediator will notify all interested parties of the date, time and place of the mediation conference.

## Additional information about the automobile claims mediation program

You may obtain additional information under Section 627.745, Florida Statutes, or by calling 1-877-MY-FL-CFO (1-877-693-5236).



You may order our **Auto Mediation Programs or Residential Property Claims Disputes** brochure. For more information call the **DFS Consumer Helpline** toll-free at **1-877-MY-FL-CFO (1-877-693-5236)** or go to the web site at [www.MyFloridaCFO.com](http://www.MyFloridaCFO.com)



**STATE OF FLORIDA**  
Florida Department of Financial Services  
200 East Gaines Street  
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## Mediation Programs

AUTOMOBILE INSURANCE CLAIMS DISPUTES



**STATE OF FLORIDA**  
Florida Department of Financial Services

## MEDIATION PROGRAMS FOR AUTOMOBILE AND PERSONAL PROPERTY INSURANCE CLAIMS DISPUTES

The Department of Financial Services (DFS) assists consumers who are having trouble getting automobile or personal property insurance claims resolved. DFS has created mediation programs to bring consumers and insurance companies together to resolve disputes in an informal setting with trained mediators.

### What is mediation?

Mediation is a process during which a neutral third party helps you and your company reach a mutual agreement.

**Please note:** Mediation is voluntary for both partners. Mediation is nonbinding. Neither you nor the insurance carrier is legally obligated to accept an offer. Even if you settle at the mediation, you have three business days to change your mind, as long as you don't cash the settlement check during that time. If you change your mind during the three days, you must inform the company of your decision.



### Mediation is not the same as arbitration

An arbitrator makes a binding decision as to how the dispute must be solved. A mediator will not make the final decision. In order to help all parties express their points of view in a nonthreatening way, the mediator may meet privately and individually with you or representatives of your insurance company.

### Who are the mediators?

They are persons approved by DFS and/or court-appointed. A mediator must have a master's or doctoral degree in psychology, counseling, business, accounting or economics, be a member of the Florida Bar, be a licensed certified public accountant or have been actively engaged as a qualified mediator for at least four years prior to July 1, 1990. Mediators must complete a

prescribed course of study in mediation theory and process, and successfully complete a DFS examination.

### Does going to mediation mean I can't go to court or participate in other dispute resolution procedures?

No. If the mediation is unsuccessful, you can use whatever options were available to you if you had not gone to mediation.

### Will anything I say at mediation be used against me later if the mediation is unsuccessful?

No. Nothing you say can be used against you in any later proceedings.

## AUTOMOBILE CLAIMS MEDIATION PROGRAM

### Who is eligible for this program?

Anyone filing a claim with an insurer for bodily injury in an amount of \$10,000 or less, or filing a claim for property damage in any amount for an incident involving an automobile, may demand mediation any time before filing suit, or before invoking appraisal. The insurance company may also demand mediation.

First-party claims (against your own insurance company) and third-party claims (against someone else's insurance company) are both eligible for mediation. First-party claims, though, will be governed by the terms and conditions for mediation specified in your insurance contract.

### What are the costs and time involved?

The cost of mediation is divided equally between the parties, unless the mediator determines that one or more of the parties had acted in bad faith. The mediation's total cost is \$200, regardless of how long it takes. Typically, a session lasts two hours.

### Who selects the mediator?

DFS randomly selects the mediator. Each party has one "strike" to reject the selected mediator.

