

## 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.

## WHO SHOULD ATTEND AND WHAT SHOULD I BRING TO THE CONFERENCE?

Anyone who has an interest in the dispute, as well as the insurance company representative, should attend. Since mediation is designed to be non-adversarial, it is not necessary to have an attorney present. However, if you choose to retain an attorney, please notify the mediator and DFS at least 14 days prior to the conference date. 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. A non-English speaking policyholder is required to furnish an interpreter.



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

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



If you have questions or need additional information, you can contact the Department of Financial Services at 1-877-MY-FL-CFO (1-877-693-5236) or online at <http://MyFloridaCFO.com/Division/Consumers/Mediation/default.htm>.

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# MEDIATION PROGRAM

## Automobile Insurance Claims Disputes



## WHAT IS MEDIATION?

Mediation is a voluntary, non-binding process in which a neutral third party helps you and your insurance company reach a mutual agreement. Neither you nor the insurance company 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 and you inform the company of your decision.

## WHO IS ELIGIBLE FOR THIS PROGRAM?

Anyone filing a claim with an insurance company 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 request mediation at any time before filing suit or before invoking appraisal. The insurance company may also request 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 policy.

## IS MEDIATION THE SAME AS ARBITRATION?

No, an arbitrator makes a binding decision as to how the dispute must be solved whereas mediation is non-binding. A mediator will not make the final decision. In order to help both parties express their points of view in a non-threatening way, the mediator may meet privately and individually with you or representatives of your insurance company.

## WHO ARE THE MEDIATORS?

Mediators are persons approved by DFS including those that are court-appointed. A mediator must possess an active certification as a Florida Supreme Court certified circuit court mediator or the mediator must have been an approved mediator as of July 1, 2014, and have conducted at least one mediation on behalf of the department within four years immediately preceding that date. A Florida Supreme Court certified circuit court mediator in a lapsed, suspended, sanctioned or decertified status is not eligible to participate in the mediation program.

## WHO SELECTS THE MEDIATOR?

The Department of Financial Services randomly selects the mediator. Each party has one "strike" to reject the selected mediator.

## DOES GOING TO MEDIATION MEAN I CAN'T GO TO COURT OR PARTICIPATE IN OTHER DISPUTE RESOLUTION PROCEDURES?

Choosing mediation does not prevent you from participating in other dispute resolution procedures or even going to court later. Nothing you say in a mediation conference can be used against you in any later proceedings.

## WHAT ARE THE COSTS AND TIME INVOLVED?

The cost of mediation is divided equally between the insurance company and the insured or third-party claimant. The total cost for mediation is \$200, regardless of how long it takes.

