

MEDIATION PROGRAM

AUTOMOBILE Insurance Claim Disputes

WHAT IS MEDIATION FOR AUTOMOBILE INSURANCE CLAIM DISPUTES?

Automobile mediation allows you to settle insurance claim disputes caused by the ownership, operation, and use or maintenance of a motor vehicle. Mediation is a pre-suit process that allows you to meet with the insurance company in an informal setting (conference) with a certified, neutral mediator to assist in resolving your claim. Mediation is non-binding, which means none of the parties are required to accept the outcome. Claims against your insurance company and claims against the other party's insurance company are both eligible for mediation.

Automobile mediation is **voluntary**. Neither you nor the insurance company are required to participate. However, if you or the insurance company choose not to participate in mediation, that party **must** notify the Department of Financial Services in writing, of the specific reasons for not participating.



WHO ARE THE MEDIATORS AND WHAT IS THEIR ROLE?



Mediators are approved by the Department. A mediator must possess an active certification as a Florida Supreme Court certified circuit court mediator, or they 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. The mediator's role is to reduce obstacles to communication, assist in identifying issues, explore alternatives, and facilitate voluntary agreements to resolve disputes — without prescribing what the resolution must be.

WHO CAN REQUEST MEDIATION?

Mediation may be requested by first-party claimants (for a claim dispute against your own insurance company) and third-party claimants (for a claim dispute against someone else's insurance company). First-party claims will be governed by the terms and conditions for mediation specified in your insurance policy. The insurance company may also request mediation. If the claimant is represented by an attorney or public adjuster, the Department will need a copy of the public adjuster's contract and/or the attorney's Letter of Representation to ensure they are included in mediation notifications.



IS MY DISPUTE ELIGIBLE?

Automobile mediation allows you to settle disputes for property damage claims in any amount or for bodily injury claims up to \$10,000.

HOW DO I GET STARTED?

To request mediation, you will need to either:

Option 1 - Submit your request online at: apps.fldfs.com/eservice/mediationinfo.aspx

Option 2 - Complete the Automobile Mediation Request Form (DFS-10-510 Rev. 06/15) found at: myfloridacfo.com/Division/Consumers/understandingCoverage/Guides/documents/am_DFS-10-510.pdf

- Submit by e-mailing or mailing to: mediation@myfloridacfo.com or
- Florida Department of Financial Services
Division of Consumer Services
Bureau of Consumer Assistance
Alternative Dispute Resolution
200 E. Gaines Street
Tallahassee, FL 32399



WHAT HAPPENS NEXT?

Upon receipt of an eligible request for mediation, the Department will notify the respondent and provide them 21 (calendar) days to either decline in writing (and include the specific reasons for not participating) **or** to submit their \$100 to proceed. Once the respondent's payment is received, the Department will notify the claimant and request their \$100 payment. A mediator will not be assigned until all payments are received.

A mediator will be assigned to conduct the conference if the total cost (\$200) has been paid, **unless** the Department is provided with: notice of settlement, notice of withdrawal from the complainant or any information to support ineligibility.

When applicable, a mediator can grant a continuance if good cause is shown or if neither party objects. All parties shall be notified of the date and place of the rescheduled conference.

WHO CAN ATTEND?

For first-party claims, all policyholders listed on the claim's effective policy **must** attend the conference. Review your policy carefully to confirm who is listed as "named insured." For third-party claims, all third-party claimants **must** attend the conference.

All corporate parties who are complainants or respondents must provide a corporate representative who has full knowledge of the facts of the dispute and is fully authorized to make an agreement to completely resolve the dispute.



WHAT SHOULD I BRING?

Be sure to bring any supporting documents including your policy, photographs, estimates, bills, reports, letters, etc. It is important to bring specific dollar estimates or quotes for all items that are in dispute.

HOW MUCH TIME AND MONEY IS THIS GOING TO COST?



A scheduled conference does not have a set number of hours for the parties to mediate. A conference can be held as long as both parties agree that they are making progress.

The total cost for mediation is \$200. The cost of mediation is divided equally between the insurance company (\$100) and the policyholder **or** third-party claimant (\$100).

Once the insurance company agrees to mediate, the first-party or third-party claimant will be notified where to submit their \$100.

Each party's \$100 must be paid in the form of a certified check, money order or insurance company check made payable to the Department of Financial Services.

CONTACT US

If you have questions or need additional information, you can contact the Department of Financial Services at mediation@myfloridacfo.com, 1-877-MY-FL-CFO (1-877-693-5236) or online at myfloridacfo.com/division/consumers/mediation/default.htm.

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