



# MEDIATION PROGRAM

## Residential Property Claim Disputes

### WHAT IS MEDIATION FOR RESIDENTIAL PROPERTY CLAIM DISPUTES?

Residential property mediation allows you to settle disputes regarding all residential property claims resulting from damage to your house, dwelling, mobile home or condominium. Mediation is a pre-appraisal and pre-suit process that allows you to meet with your 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. If a settlement is reached, you have three business days to rescind the agreement as long as you have not cashed the check and you inform the company of your decision.

### WHO ARE THE MEDIATORS AND WHAT IS THEIR ROLE?

Mediators are approved by the Department of Financial Services. 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 otherwise facilitate voluntary agreements to resolve disputes, without prescribing what the resolution must be.

### WHO CAN REQUEST MEDIATION?

Mediation may be requested only by the policyholder, as a first-party claimant; a third-party, as an assignee of the policy benefits; or the insurance company. However, an insurance company is not required to participate in any mediation requested by a third-party assignee of the policy benefits.

If the policyholder or third-party assignee is represented by an attorney or public adjuster, the Department will need a copy the public adjuster contract and/or the attorney's Letter of Representation to ensure they are included in mediation notifications.

### WHAT IS AN ASSIGNMENT OF BENEFITS (AOB)?

An AOB is an agreement, that once signed, transfers the insurance claims rights or benefits of the policy to a third-party. An AOB gives the third-party authority to file a claim, make repair decisions, and collect insurance payments without the involvement of the policyholder(s). Depending on the language in the AOB, the insurance company may only be permitted to communicate directly with the third-party and you may lose all rights to the insurance claim, including the right to mediate the claim, or to make any decisions regarding the claim, including repairs. **As of 12/16/2022 Senate Bill 2A was passed which prohibits the use of Assignment of Benefits (AOB) for residential and commercial property claims arising under insurance policies issued on or after 01/01/2023.** If a policyholder attempts to assign post-loss insurance benefits in whole or in part for claims arising under residential and commercial property insurance policies issued on or after 01/01/2023, such an AOB is considered invalid and unenforceable.

### IS MY DISPUTE ELIGIBLE?

A dispute must be \$500 or more after the deductible is applied. The dispute must be a disagreement over what caused the damage or involve an unsatisfactory settlement offer - meaning you do not agree with the amount the company offered to repair the damages. If the dispute does not meet the aforementioned eligibility requirements, yet the parties agree to participate in mediation, written documentation is required for the Department to proceed.

## The following types of claims are not eligible for mediation:

- Claims arising from a commercial lines policy
- Claims arising from a National Flood Insurance Program (NFIP) policy
- Claims that involve liability coverages
- Claims currently in litigation or appraisal
- Claims that an insurance company suspects involves fraud
- Claims that arise from a cause of loss **not covered** in the policy

## ARE COMMERCIAL RESIDENTIAL PROPERTIES ELIGIBLE?

Claim disputes involving condominium association master policies, policies covering apartment buildings, rental property and other residential commercial properties are eligible for mediation.

## 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](https://apps.fldfs.com/eservice/mediationinfo.aspx)

**Option 2** - Complete the Request for Personal Residential Insurance Mediation (DFS-10-2082 Rev. 06/18) [online form](#).

- Submit by e-mailing or mailing to the following: [mediation@myfloridacfo.com](mailto: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

**Option 3** - Unrepresented policyholder(s) can contact the Department at 1-877-MY-FL-CFO (1-877-693-5236).

## WHAT HAPPENS NEXT?

Upon receipt of an eligible request for mediation, a mediator will be assigned to conduct the conference. The conference is to occur within 21 (calendar) days of the mediator's assignment.

When applicable, good cause continuances can be requested by the parties. Good cause includes severe illness, injury or other emergency, which could not be controlled by the party and could not reasonably be remedied by the party prior to the conference by providing a replacement representative or otherwise. Good cause includes the necessity of obtaining additional information, securing the attendance of a necessary professional or the avoidance of significant financial hardship.

## WHO CAN ATTEND?

Review your policy carefully to confirm who is listed as "named insured." All policyholders listed on the claim's effective policy **must** attend the conference. It is not necessary to have an attorney present. However, if you choose to retain an attorney, please notify the mediator and the Department at least 14 (calendar) days prior to the conference date. The conference also may be attended by persons who can assist a party in presenting his claim or defense in the conference, such as contractors, adjusters, engineers, and interpreters.



## WHAT IF THERE IS AN ASSIGNMENT OF BENEFIT (AOB) CONTRACT SIGNED?

If the policyholder(s) and AOB both retain rights to the claim, all with rights must attend the conference. If only the AOB retains right to the claim, the policyholder(s) do not need to be in attendance (as they no longer have settlement authority).

## 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 insurance company pays the entire cost (\$350) of the mediation unless you fail to appear at the conference and want to reschedule the mediation. You must pay the rescheduled mediation costs (\$350) prior to the conference being rescheduled.

## CONTACT US

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

April 2024