

## 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.

## WHO CAN ATTEND AND WHAT SHOULD I BRING?

If you are relying on architects, adjustors or contractors to justify your claim, you may ask them to attend with you. Review your policy carefully and look for names of those listed as “named insured.” The insured must attend the mediation conference. 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.

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. If a non-English speaking policyholder needs an interpreter, they must ensure they provide one at the conference.



## MEDIATION PROGRAM FOR RESIDENTIAL PROPERTY CLAIMS

The Department of Financial Services assists consumers who are having trouble resolving residential property insurance claims. DFS has established a mediation program to resolve claim disputes between insurance companies and Florida policyholders involving losses caused to residential property by hurricanes, fires and other causes. Insurance companies are required to notify policyholders of their right to mediation if the claim is disputed and has not been resolved in a timely manner.



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

## Residential Property Claim Disputes



## WHAT IS MEDIATION?

Mediation is a 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.

In order to help everyone, express their point of view, the mediator may meet privately with you or your insurance company. The most important thing to remember about participating in mediation is that you have a chance to explain what you believe you are entitled to under your insurance policy.

## 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.

## WHAT ARE THE LIMITS OF MEDIATION?

The mediator helps the parties focus on the issues and understand each other's point of view, but does not dictate the outcome of the discussion. 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.

## 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.

## AM I ELIGIBLE?

Anyone with a disputed residential property damage claim, arising from covered damage in excess of \$500 not including the deductible, can participate in mediation. Disputed claims are exempt from mediation

when fraud is suspected. Commercial and Liability claims are also exempt from mediation.

To find out if you qualify or to request mediation, call the Department of Financial Services Toll-free Insurance Consumer Helpline at 1-877-MY-FL-CFO (1-877-693-5236).

## HOW MUCH TIME AND MONEY IS THIS GOING TO COST?

Mediation can continue as long as both parties agree that they are making progress. Mediation is paid for by the insurance company, except in the case where the policyholder cancels without good cause and wants to reschedule the mediation. In this instance the policyholder pays.

## HOW DO I GET STARTED?

Your insurance company is required to notify you in writing of your right to mediation. If you wish to request mediation, contact DFS at 1-877-MY-FL-CFO (1-877-693-5236). Once mediation has been agreed to, the mediator will notify you and the company of the date, time and place of the conference. Mediation will be held at a neutral site.

