



Dear Policyholder:

The Florida Department of Financial Services has established a mediation program to resolve claim disputes between insurers and Florida policyholders arising as a result of damages caused to residential property by hurricanes and tropical storms during 2004. Insurance companies are required to notify policyholders if the claim is disputed and has not been resolved in a timely manner.

This brochure will help you understand what to expect from the mediation program. If you have questions or need additional information, you can contact us at 1-800-22-STORM.

Sincerely,

Tom Gallagher  
Chief Financial Officer  
STATE OF FLORIDA



200 East Gaines Street  
Tallahassee, Florida 32399-0323



# Florida Department of Financial Services Mediation Program



**The Department of Financial Services stands ready to assist consumers like you who are having difficulty getting insurance claims resolved. To help facilitate a satisfactory settlement, DFS has a special program that uses mediation to bring you and your insurance company together to find common ground.**

## WHAT IS MEDIATION?

Mediation is a process where a neutral third party meets with you to reach an agreement both parties can accept.

Mediation is not arbitration, where the arbitrator actually makes the decision on how to resolve the dispute. Instead, 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.

In order to help everyone express their point of view in the most non-threatening atmosphere, 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 claim.

## WHO ARE THE MEDIATORS?

Mediators are trained professionals who are skilled in resolving disputes. All have been specifically trained in mediation theory and practice.

Mediators are unbiased – they must have no ties or affiliation with you or the insurance company.

Either party can request that the mediator be replaced if there is good cause – for instance, if there is a conflict of interest between you, the company or the mediator.

## WHAT ARE THE LIMITS OF MEDIATION?

Mediation is non-binding. Neither you nor the company is legally obligated to accept the outcome. Even if you do settle at the mediation, you have a three-day grace period to change your mind, as long as you do not cash your settlement check and you inform your insurance company that you have decided to reject the mediated outcome.

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.

## AM I ELIGIBLE?

Anyone with a disputed residential property damage claim — arising from hurricane 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 DFS toll-free at 1-800-22-STORM.

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

Mediation can continue as long as both parties agree that they are making progress. In fact, most mediation procedures only last about two hours.

Mediation is paid for by the insurance company, except in the case where the consumer cancels without good cause and wants to reschedule the mediation, then the consumer 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 1-800-22-STORM.

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.

## 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. Review your policy carefully and look for names of those listed as “named insured.” If the people listed there cannot attend, send someone who has the authority (often called “power of attorney) to act on behalf of the “named insured” who can make a decision about settling a claim. Since mediation is designed to be non-adversarial, it is not necessary to have a lawyer present, however, you may bring one if you choose.

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.

## FOR MORE INFORMATION

You can find more information on mediation programs by visiting our Internet site at [www.fldfs.com](http://www.fldfs.com)

or calling the Consumer Help Line at 1-800-342-2762. The DFS mediation program has been established pursuant to Chapter 627, Florida Statutes, and the Department's administrative rules.