

1 procedure to resolve their claims disputes because most
2 homeowner's, marine insurance, and commercial residential
3 insurance policies obligate insureds to participate in a
4 potentially expensive and time-consuming adversarial appraisal
5 process prior to litigation. The procedure set forth in this
6 section is designed to bring the parties together for a
7 mediated claims settlement conference without any of the
8 trappings or drawbacks of an adversarial process. Before
9 resorting to these procedures, insureds and insurers are
10 encouraged to resolve claims as quickly and fairly as
11 possible. This section is available with respect to claims
12 under personal lines and commercial residential and marine
13 policies for all claimants and insurers prior to commencing
14 the appraisal process, or commencing litigation. If requested
15 by the insured, participation by legal counsel shall be
16 permitted. Mediation under this section is also available to
17 litigants referred to the department by a county court or
18 circuit court. This section does not apply to commercial
19 coverages, to private passenger motor vehicle insurance
20 coverages, or to disputes relating to liability coverages in
21 policies of property insurance.

22 (4) The department shall adopt by rule a property and
23 marine insurance mediation program to be administered by the
24 department or its designee. The department may also adopt
25 special rules which are applicable in cases of an emergency
26 within the state. The rules shall be modeled after practices
27 and procedures set forth in mediation rules of procedure
28 adopted by the Supreme Court. The rules shall provide for:

29 (a) Reasonable requirement for processing and
30 scheduling of requests for mediation.
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1 (b) Qualifications of mediators as provided in s.
2 627.745 and in the Florida Rules of Certified and Court
3 Appointed Mediators, and for such other individuals as are
4 qualified by education, training, or experience as the
5 department determines to be appropriate, except that in the
6 case of marine insurance policies, mediators shall be civil
7 circuit mediators who:-

8 1. Are certified by the Florida Bar in admiralty and
9 maritime law; or

10 2.a. Are experienced admiralty practitioners who are
11 qualified by education, training, or experience, as the
12 department determines is appropriate; and

13 b. Have undergone training provided by the department
14 or its designee in the mediation of disputes involving marine
15 insurance law.

16 (c) Provisions governing who may attend mediation
17 conferences.

18 (d) Selection of mediators.

19 (e) Criteria for the conduct of mediation conferences.

20 (f) Right to legal counsel.

21 (10) As used in this section, the term "marine
22 insurance" means both "marine insurance" and "wet marine and
23 transportation insurance" as those terms are defined in s.
24 624.607.

25 (11) The provisions of this section apply to marine
26 insurance notwithstanding s. 627.021.

27 Section 2. This act shall take effect upon becoming a
28 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1782

The Committee Substitute provides the following changes:

1. Revises the eligibility requirements for maritime insurance mediators by allowing civil circuit mediators who are not certified by The Florida Bar in admiralty and marine law, but meet other criteria established by the Department of Financial Services to serve as mediators.
2. Provides a definition for marine insurance and clarifies that s.627.7015, F.S., applies to marine insurance notwithstanding s.627.021, F.S., which provides that ch. 627, F.S., does not apply to marine insurance.