

# Settling Your Sinkhole Claim

**WHERE TO FIND HELP**





To be eligible for Neutral Evaluation, a sinkhole report must be issued by your insurance company. If your insurance company confirms there is structural damage to a covered building that is consistent with a sinkhole loss or if it cannot determine the cause of the structural damage, the law requires it to engage a professional engineer or a professional geologist to conduct testing and issue a sinkhole report.

## What if my insurance company denies my claim without conducting testing and a sinkhole report?

Within 60 days of the claim denial, you must send a demand for geological testing, in writing, to your insurance company. You will have to pay 50% of the actual costs of the testing or \$2,500, whichever is less. If a sinkhole loss is confirmed, your insurance company will reimburse you for the costs of the testing.

## How does the Neutral Evaluation Program work?

The Neutral Evaluation program provides a professional engineer or a professional geologist to serve as an objective third party to determine the existence of a sinkhole loss and the method of repair and remediation. The Neutral Evaluator will schedule a conference with you and your insurance company to gather information to help him or her reach a decision.

Your insurance company is required to pay the reasonable costs associated with the Neutral Evaluation program. You will be required to pay for a court reporter or stenographer if you choose to have one at the Neutral Evaluation conference.

Neutral Evaluation is mandatory if requested by you or your insurance company. The Neutral Evaluation is non-binding, and both parties retain their right to pursue legal action.

The Neutral Evaluator's written recommendation, oral testimony, and full report shall be admitted in any subsequent legal action.



## How do I request the use of a Neutral Evaluator?

Either you, your representative or your insurance company may request Neutral Evaluation. To request a Neutral Evaluation, you will need to either:

- **Option 1** - Submit your request online at the following: website <https://apps.fldfs.com/eservice/mediationinfo.aspx>
- **Option 2** - Complete the Sinkhole Insurance Claims Request for Neutral Evaluation Form (DFS-14-1784 Rev. 01/2015) found [online](#):
  - Submit by e-mailing or mailing to the following: [NeutralEvaluation@myfloridacfo.com](mailto:NeutralEvaluation@myfloridacfo.com) or
  - Florida Department of Financial Services  
Alternative Dispute Resolution  
200 E. Gaines Street Tallahassee, FL 32399

### The request and form must include:

1. Confirmation that a sinkhole report has been issued by the insurance company
2. Name of the individual and/or firm that issued the sinkhole report
3. A copy of the sinkhole report that has been issued by the insurance company
4. The reason for the request
5. An explanation of the issues in dispute





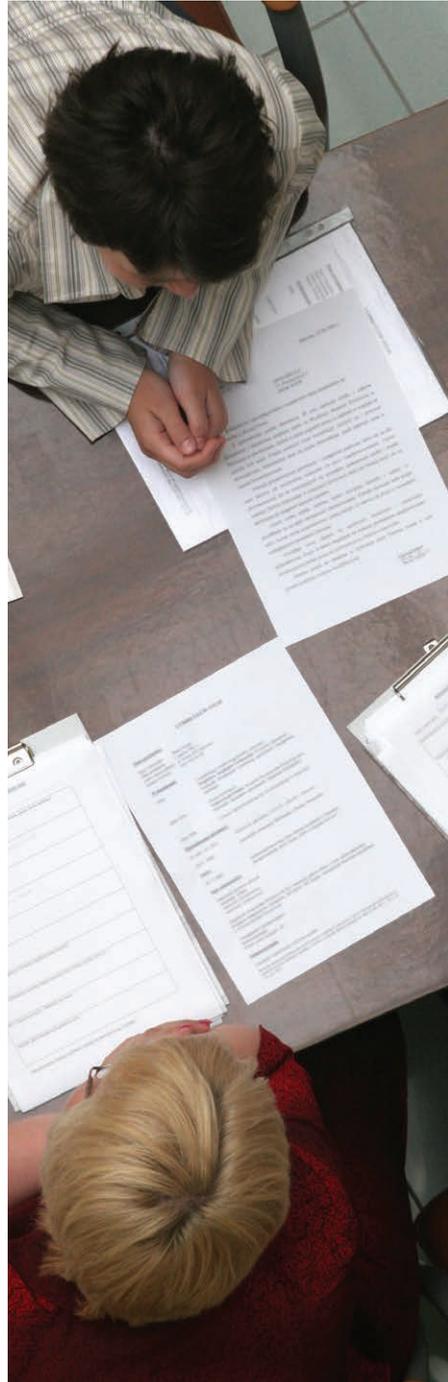
Learn more by visiting  
[MyFloridaCFO.com/Division/Consumers/Mediation](https://www.MyFloridaCFO.com/Division/Consumers/Mediation)

## Then What?

The Department will provide a list of certified Neutral Evaluators to you and your insurance company. You have 14 business days to mutually select a Neutral Evaluator. If you and your insurance company cannot agree on a Neutral Evaluator, the Department will appoint one from the list.

Each party can submit requests to disqualify any Neutral Evaluator on the list “for cause.” The Department will disqualify a Neutral Evaluator for cause based only for the following statutorily defined reasons:

- A familial relationship exists between the Neutral Evaluator and either party or a representative of either party within the third degree.
- The proposed Neutral Evaluator has, in a professional capacity, previously represented either party or a representative of either party, in the same or a substantially related matter.
- The proposed Neutral Evaluator has, in a professional capacity, represented another person in the same or a substantially related matter and that person’s interests are materially adverse to the interests of the parties. The term “substantially related matter” means participation by the Neutral Evaluator on the same claim, property, or adjacent property.





- The proposed Neutral Evaluator has, within the previous 5 years, worked as an employer or employee of any party to the case.

Additionally, each party can disqualify up to two Neutral Evaluators “without cause.” Once assigned, the Neutral Evaluator has 14 business days to notify you and your insurance company of the date, time and place of the conference. The Neutral Evaluator will make a reasonable effort to hold the conference within 90 days after the receipt of the request. If the Neutral Evaluator does not hold the conference within 90 days, it does not invalidate either party’s right to neutral evaluation or to a neutral evaluation conference held outside this timeframe.

You must allow the Neutral Evaluator reasonable access to the interior and exterior of your home and provide him or her with any report you or your representative initiated.

You have the right to request a Department consumer affairs specialist be available for consultation if you are participating without an attorney. The specialist will provide detailed information about the program and help you understand technical information concerning you the program. The specialist cannot provide legal advice.



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