Getting Help with Your Property Insurance Claim

FLORIDA DEPARTMENT OF FINANCIAL SERVICES

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Division of Consumer Services

NOTES & IMPORTANT NUMBERS

HOMEOWNERS

Insurance Company	
Policy Number	
Phone Number	

AUTOMOBILE

Insurance Company	
Policy Number	
Phone Number	

MEDIATION

Insurance Company	
Policy Number	
Claim Number	
Agent or Adjuster	

NOTES

GETTING HELP WITH YOUR PROPERTY INSURANCE

When your property sustains damage due to an unfortunate event, your first step is to contact your insurance company and file a claim as soon as possible. But what are your options if you are unhappy with your company's response, or your claim has been denied?

Before you spend money and contract with a public adjuster or attorney, contact the Florida Department of Financial Services (DFS), Division of Consumer Services. We will advocate on your behalf. Our services are free.

Visit the Division of Consumer Services website for a variety of information including Frequently Asked Questions. You may find an answer right away. For further assistance, visit our Get Insurance Help page to submit your insurance concern online. You may also call our statewide toll-free Insurance Consumer Helpline to speak with an insurance specialist at 1-877-MY-FL-CFO (1-877-693-5236).

If you are still not satisfied with your insurance company's decision, it may be time to consider an alternate claim dispute resolution method, such as Mediation and Neutral Evaluation.

Mediation gives you an opportunity to settle claim disputes with your insurance company. It allows you to meet with them in an informal setting with a certified Mediator for Homeowners and Automobile claims and with Certified Neutral Mediators/Neutral Evaluator for Sinkhole claims.

If you are still not satisfied with the outcome of your claim, you may consider hiring a public adjuster or obtain legal counsel. However, you may incur costs.

Read on for more details about these topics.

FILING A HOMEOWNERS CLAIM

If you need to make a claim, you should immediately:

- Report the claim to your insurance company or agent.
- Make emergency repairs to protect your property from further damage, such as placing a tarp on your roof or plywood over a broken window to prevent further leaks into your property. Take photos before and after the repairs and keep receipts.
- Make a list of damaged items along with specific product description information.
- Take photos or video of damaged items. Only dispose damaged items that present a health risk.
- Your insurance company will assign an adjuster to inspect the damaged. Follow up with your insurance company if the adjuster has not contacted you within one week.

What happens during the ***second week*** after making your claim:

- Within seven days of reporting the claim, your insurance company should acknowledge your claim and send you a Homeowner Claims Bill of Rights Notice.*
- Your insurance company may send a field adjuster or use electronic means like drones to inspect the damage and take videos/photos and measurements. The adjuster may physically or electronically provide instructions on submitting receipts for emergency repairs and reimbursements and discuss the claims process with you.

During ***weeks 2 thru 6*** after making your claim:

- If needed, other professional experts such as engineers, are hired to determine the exact cause of loss, the scope of damage or the cost to repair or replace the damaged property. These experts may personally inspect the damage and may take up to 30 days to submit their reports to the insurer.
- The adjuster will complete an itemized repair estimate which the insurance company must provide to you within seven days of being generated.

By ***Day 60*** after making your claim:

- You should receive a written denial or payment for the undisputed portion of the claim within 60 days of reporting your claim. The final determination is communicated to you with a notice of your right to request Residential Property Mediation through the Department of Financial Services, which is offered at no cost to you.**

Beyond ***Day 60***:

- If you disagree with the final determination, you should obtain estimates from contractors of your choice and submit to the insurer for reconsideration. If the dispute persists, you may wish to explore alternate dispute resolution options. For instance, you would have the choice to participate in the Department's free Mediation program; or you may wish to invoke your right to initiate the appraisal process if it is offered in your policy.
- If a company has adjusted your claim and closed it, you still have one year to request the company to reopen it if you discover additional damage. If the claim is still open and in process and you discover additional damage, you have 18 months from the date of loss to notify the company.

* *This does not apply if your policy is issued by a surplus lines insurer, or the National Flood Insurance Program (NFIP) or if the failure to meet the requirement is caused by factors beyond the control of your insurance company.*

** *This does not apply if your policy is issued by a surplus lines insurer, or through the NFIP, or a policy underwritten by the NFIP, but issued by a standard insurance company. Flood policies that are not underwritten by the NFIP may be eligible for Mediation.*

FILING AN AUTO CLAIM

If you need to make a claim related to your auto:

- In the case of an accident, contact law enforcement to report the accident regardless of how minor it seems. Write down names, addresses and phone numbers of any witnesses in case your insurance company needs to contact them later.
- Call your insurance company and agent immediately for further instructions. The insurance company may deny payment of your claim if you do not report the accident in a timely manner. Read your contract and understand your duties as an insured.
- In some cases, your insurance company will send an adjuster to inspect your automobile before you obtain any necessary repairs. In other cases, your insurance company will instruct you to obtain an estimate for the work.

Get Authorization

Before you begin repairs, make sure the insurance company has inspected the damage to your vehicle. Some companies require a particular repair shop, some give a list of preferred service providers from which you can choose, and some will allow you to select any shop of your choice. It is important that you read your policy and if needed, confirm details with the company. The company is not required to physically inspect the damage. Sometimes they may only require photographs.

Claim Settlement

An insurance company is only responsible for paying the Actual Cash Value (ACV) of your vehicle at the time of loss. The term "actual cash value" means the cost to replace less depreciation. For this reason, some newer vehicles may have outstanding loan balances that exceed the ACV of the vehicle.

The insurance company must repair your automobile with parts at least equal in quality and fit as the original parts. In some cases, aftermarket parts may be used. An aftermarket part is a replacement for any of the non-mechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle but can include inner and outer panels. They are parts that are not manufactured by the original automobile maker.

For more information about flooded or totaled vehicles please review our brochure titled *Filing an Auto Claim*:
myfloridacfo.com/division/consumers/understanding-insurance/guides

NOTES

YOUR INSURANCE CONCERN AND HOW WE ADVOCATE ON YOUR BEHALF

The Division can assist you with policies purchased in the state of Florida. If your policy was purchased in another state, you need to contact the insurance office where your policy was purchased: https://content.naic.org/state-insurance-departments

To help ensure that we receive all necessary information to investigate your submission, please be ready to provide us with the following:

- The exact name of the insurance company (Property Insurance Companies and Contact Numbers): myfloridacfo.com/division/consumers/storm/resources
- The full name of any agent or adjuster who may be involved
- Your policy number
- Your claim number and the date of your loss, if applicable
- A copy of your declarations page.
- A detailed description of your concern
- Copies of supporting documentation

Once you have gathered the required materials and documentation, you are ready to submit your concern online or by phone.

Online: myfloridacfo.com/division/consumers/needourhelp
Phone: 1-877-MY-FL-CFO (1-877-693-5236).

After we have contacted your insurance company on your behalf but you are still unsatisfied with their response, mediation may be an option for you to explore.

Mediation is non-binding, which means neither of the parties are required to accept the outcome. If a settlement is reached, you have three business days to rescind the agreement if you have not cashed the check and you inform the company of your decision.

The following types of mediation are currently available:

- Residential property mediation allows you to settle disputes regarding all residential property claims resulting from damage to your house, dwelling, mobile home or condominium.
- Automobile mediation allows you to settle insurance claim disputes caused by the ownership, operation, and use or maintenance of a motor vehicle.
- Sinkhole Neutral Evaluation - Upon receipt of a claim for a sinkhole loss to a covered building, Florida law requires insurance companies to inspect the premises to determine if there has been structural damage that may be the result of sinkhole activity.
    - ◊ If the insurer discovers structural damage which is consistent with a sinkhole loss, or if the insurer is unable to identify a valid cause of such damage, the insurer must engage a professional engineer or geologist to conduct testing to determine the cause of loss within a reasonable professional probability. The professional engineer or geologist will provide a report of their findings to the insurer.
    - ◊ Following the receipt of the report or the denial of a claim for a sinkhole loss, the insurer is required to notify the policyholder of their right to participate in the neutral evaluation program.
    - ◊ If your insurance company denied a claim for loss or damage based on the results of the testing, or you cannot agree on the method of repair and remediation, you have the option to request a Neutral Evaluation.
- Commercial residential mediation allows you to settle disputes regarding all residential property claims resulting from policies in which a condominium association, cooperative association or homeowners' association are the policyholder.

- Community Care Retirement Communities (CCRC) - DFS helps residents who face difficulty resolving disputes with CCRC providers through a special mediation program. Under most circumstances, the program is available at no cost to the resident because the fee is paid by the CCRC. This program brings a resident and provider's representative together in an informal session with a trained mediator. This neutral third party—not affiliated with the CCRC—will strive for a resolution agreeable to both parties. However, the mediator will not dictate the final outcome.

Ready to try Mediation?

If you decide to try one of the five mediation programs administered by our division, you can submit a request to mediate your claim dispute online. To help ensure that we receive all necessary information to investigate your submission, please be ready to provide us with the following:

- ☐ Your mailing address, if different from the Insured property address
- ☐ The exact name of the insurance company
- ☐ Your policy number
- ☐ Your claim number

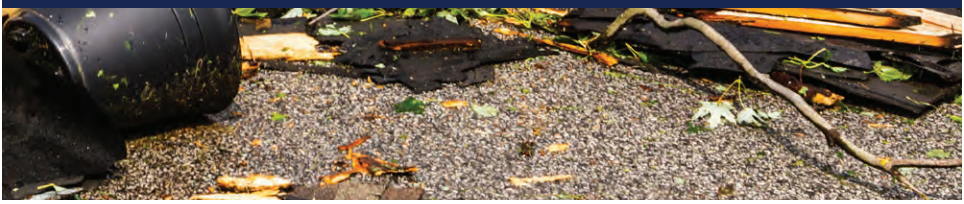
- ☐ A detailed description of your concern
- ☐ Name and contact information for any Assignment of Benefit (AOB) who may be involved
- ☐ Supporting documentation for any Assignment of Benefit (AOB) who may be involved
  - ◊ Assignment of Benefit (AOB) Contract
- ☐ Name and contact information for any legal representative who may be involved
- ☐ Supporting documentation for any legal representative who may be involved
  - ◊ Attorney Letter of Representation
  - ◊ Public Adjuster Contract
  - ◊ Power of Attorney (POA)
  - ◊ Trust Documents

Public Record Notice: Under section 119.011(12) Florida Statutes, Public Records are all documents, papers, letters, maps, books, tapes, audio and video tapes, photographs, films, sound recordings, data processing software, or other material regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Department, which are used to perpetuate, communicate or formalize knowledge. myfloridacfo.com/publicrecords

Once you've gathered the required materials and documents, you're ready to submit your request to mediate online: myfloridacfo.com/division/consumers/RequestMediation

If you have tried all of these methods to settle your claim but you are still not happy with the results, you may choose to hire an attorney or contract with a public adjuster, however, be mindful of the costs that would be incurred by you.

More Information

- Division of Consumer Services: myfloridacfo.com/division/consumers/home
- Property Insurance Companies and Contact Numbers: myfloridacfo.com/division/consumers/storm/resources
- Understanding Insurance Coverage: myfloridacfo.com/division/consumers/understanding-insurance/
- Consumer Guides and Publications: myfloridacfo.com/division/consumers/understanding-insurance/guides

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