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Florida Homeowner Claims Bill of Rights

Florida Statutes, s. 627.7142, outlines a Homeowner Claims Bill of Rights.

The purpose and exceptions:

The purpose of the bill of rights is to summarize, in simple, nontechnical terms, existing Florida law regarding the rights of a personal lines residential property insurance policyholder who files a claim. The bill of rights is specific to the claims process and does not include all the policyholder's bill of rights under Florida law regarding an insurance policy. The bill of rights does not create civil cause of action by any individual policyholder or class of policyholders against an insurer or insurers. The failure of an insurer to properly deliver the homeowner Claims Bill of Rights is subject to administrative enforcement by the Office of Insurance Regulation (OIR), but is not admissible as evidence in a civil action against an insurer. The bill of rights does not enlarge, modify, or infringe upon other statutory requirements and does not prohibit an insurer from exercising its right to repair damaged property in compliance with the terms of an applicable policy or s. 627.7011, and 627.702.

Timelines:

Insurers issuing residential property insurance policies must provide a Claims Bill of Rights to a policyholder within 14 days after they receive a communication with respect to a claim, unless the claim follows an event that is the subject of a declaration of a state emergency by the Governor. Please keep in mind, there are exceptions to timelines concerning residential property claims if the circumstances are beyond the insurer's control provided under s. 627.70131.

The Homeowner Claims Bill of Rights Notice to Policyholders:

The policyholder has a right to:

- 1) Receive acknowledgement of their claim within 14 days after the claim was communicated to the Insurer.
- 2) Receive communication from the insurer as to the claim being covered in full, partially covered, or denied, or a written statement that your claim is being investigated, within 30 days after the company receives the policyholders completed proof of loss form.
- 3) Subject to any dual interest noted in the policy, receive full payment of the claim, the undisputed portion of the claim, or the denial of the claim within 90 days.

4) Free mediation of your disputed claim, offered through the Division of Consumer Services, under most circumstances and subject to certain restrictions.

5) Neutral evaluation of a disputed sinkhole claim if the claim is due to sinkhole damage and is covered under the policy.

6) The availability of assistance with any insurance claim or questions pertaining to the handling of your claim from the Division of Consumer Services. They must provide the direct and toll free number and website of the Division on the notice.

You are advised to:

1) Contact your insurer before entering into any contract for repairs to confirm any managed repair policy provisions or optional preferred vendors;

2) Complete and document any emergency repairs that are necessary to prevent further damage. Keep all receipts and take photographs of the damage before and after any repairs.

3) Carefully read contracts that require out-of-pocket expenses or a fee that is based on a percentage of the insurance proceeds that you will receive for repairing or replacing your property;

4) Confirm that contractors are properly licensed to do business in Florida and check to see if they have any complaints filed against them with the Department of Business and Professional Regulation. Contractors should also be asked for references from previous clients. To verify a contractor license, call the Florida Department of Business and Professional Regulation at 850-487-1395 or visit <http://www.myfloridalicense.com/dbpr/>

5) Require all contractors to provide proof of insurance before starting repairs.

6) Secure your property, turn off gas, water and electricity, and contact the insurance company to provide them a phone number where you can be reached if the damage requires you to leave your home.