



Hurricane Dorian First Party Property Claims Checklist (Florida)

On August 28, 2019, Governor Ron DeSantis issued Executive Order number 19-189 officially declaring a state of emergency in Baker, Bradford, Brevard, Broward, Clay, Duval, Flagler, Glades, Hendry, Highlands, Indian River, Lake, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Putnam, Seminole, St. Johns, St. Lucie, and Union counties.

Florida insurers are subject to various statutory/administrative provisions based on their status as either admitted carriers or surplus lines carriers. These statutes provide insurers and insureds with timelines to make and adjust claims.

Admitted carriers providing property insurance coverage are subject to the Florida Insurance Code, Chapter 627. Surplus lines carriers providing property insurance coverage are subject to the Surplus Lines Law, within Chapter 626 (Ch. 626.913-626.937). Surplus lines carriers are exempt from the provisions of Chapter 627, except when specifically stated in Chapter 627.

Additionally, sections of Florida Administrative Code 69O-166 guide the claim adjustment for both admitted and surplus lines carriers.

In the aftermath of Hurricane Dorian, this reference checklist may ease the handling of property claims that will follow in the wake of the storm.

- ✓ **Response to Notice** – 14 calendar days to acknowledge claim or make payment. § 627.70131(1)(a). Such acknowledgement shall be responsive to the communication. If the written communication constitutes a notification of a claim, unless the acknowledgement reasonably advises the claimant that the claim appears not to be covered by the insurer, it shall provide necessary claim forms, and instructions, including an appropriate telephone number. Fla. Admin. Code Ann. r. 69O-166.024(2); Fla. Stat. § 627.70131(2).
- ✓ **Start Sworn Proof of Loss (SPOL) Investigation** – 10 working days to investigate SPOL. Unless otherwise provided by the policy of insurance or by statutes, such insurer shall within 10 working days of its receipt of proof of loss statements begin such investigation as is reasonably necessary, unless the failure to begin such investigation is caused by factors beyond the control of the insurer which reasonably prevent the commencement of such investigation. Fla. Admin. Code Ann. r. 69O-166.024(3); Fla. Stat. § 627.70131(3).
- ✓ **Issuance of Homeowner Claims Bill of Rights** – The rule requiring the issuance of a Homeowner Claims Bill of Rights in residential property claims does not apply to claims following events that are subject to a declaration of a state of emergency issued by the governor. § 627.7142.
- ✓ **Issuance of Reservation of Rights** – Within 30 days after the insurer knew or should have known of a defense, issue a reservation of rights to the insured by certified mail. § 627.426(2).
- ✓ **Confirmation of Coverage** - Within 30 days of any written request after the policyholder has submitted a complete proof of loss statement, the insurer shall provide confirmation that the claim is covered in full, partially covered, denied, or shall provide a written statement that the claim is being investigated. § 627.7142

For updates please see our CAT-Law blog: www.catlawnavigator.com



William Zieden-Weber
wzieden-weber@zelle.com
786.693.2359
Miami



Christine Renella
crenella@zelle.com
786.693.2353
Miami