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FLORIDA'S BUSINESS LAW FIRM

WHO'S ON FIRST/THIRD?

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As Floridians prepare for the upcoming hurricane season, it is important to understand the different types of claims that may result in damage to your property. Claims related to damage to your property can fall under what are called a first party claim or a third party claim. A first party claim generally involves seeking coverage for the loss or damage under your own property insurance policy. Third party claims relate to damage caused by a third party, such as a contractor. Take for example a roofer who repairs hurricane damage to your home. If the roofer is negligent and a subsequent water leak ensues, you would potentially have a first party claim against your insurance company for the ensuing water damages and a third party claim against the roofer for the deficient roof work.

First party claims require timely notice to the insurance company that damage has occurred to your property. The insurance policy will govern when notice must be given to the insurance company so that it may investigate and adjust the claim. Third party claims also require timely notice, depending on the type of claim and the contractual arrangement with the third party. A third party claim may also require compliance with various Florida statutes.

While first party claims and third party claims often involve similar fact patterns and causes, they are governed by different statutes and causes of action in Florida. It is important to know the distinctions and the requirements for submitting each type of claim.

If you are faced with a question involving damage to your property, please contact Michael Higer, Gina Clausen Lozier, or Jonathan Claussen with the firm's Insurance Dispute Resolution Team.

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