BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

CLIENT ALERT: DON'T LET YOUR GUARD DOWN: THE AFTERMATH OF HURRICANE IAN

October 6, 2022

All of us at Berger Singerman send our heartfelt thoughts and well wishes to those who have been impacted by Hurricane Ian. We sincerely hope that you, your loved ones, and colleagues are safe and secure.

The needs of your family and neighbors are the top concern right now. Our insurance team is here and ready to assist you with your questions and to help you. Let us share with you some of our experience and knowledge as to what to expect. Although the storm has passed, and the winds subsided, those impacted by Hurricane Ian should be vigilant of the new threats that will emerge in the aftermath.

Only contract with licensed professionals

In the wake of a disaster, oftentimes contractors or other emergency responders will offer to assist with the submission of an insurance claim. If they do so, they may be illegally engaging in the practice of public adjusting without the proper training, licensing, regulation, and oversight required by the Florida Department of Financial Services. Illegally acting as a public adjuster in any manner by negotiating or effecting the settlement of an insurance claim on behalf of an insured for money, commission, or anything of value without being properly licensed is subject to third degree felony charges.

Not only are these individuals engaging in unlicensed activity, but their involvement may also significantly jeopardize your right to recover insurance benefits from your property insurance carrier. Florida insurance companies have aggressively litigated and lobbied for better consumer protections against this type of unlicensed activity. The involvement of an unscrupulous contractor or other emergency restoration service in the submission and negotiation of an insurance claim will likely raise an immediate warning flag to the insurance company which may subject you to additional scrutiny, delay, and denial of benefits.

If you are asked to execute an "Assignment of Benefits" or similar form by a contractor or other emergency restoration company, make sure you clearly understand what rights and benefits you may be giving away. If it sounds too good to be true, it likely is. You are not required to sign an Assignment of Benefits in order pursue your insurance rights.

Know your rights

Florida has a Homeowner Claims Bill of Rights which outlines your rights under a homeowner's property insurance policy. This Bill of Rights requires insurance companies to timely communicate with you in the event a claim is submitted and either pay or deny your claim within 90 days. You also have the right to a mediation of a disputed claim. The Bill of Rights is contained within Florida Statute Section 627.7142.

Berger Singerman's Insurance Practice Group includes the representation of real estate developers, property managers as well as business and property owners in their disputes involving insurance coverage. For more information on what you need to know to protect your right to insurance benefits in the wake of Hurricane Ian please contact Michael J. Higer, Gina Clausen Lozier or a member of our Insurance Team. For consumer information on these and other issues, click here.

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