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Hurricane Insurance Claims: Frequently Asked Questions

Q: What is a Field Adjuster?

A: A Field Adjuster is a representative of the insurance company who will inspect the home and assist in making a coverage determination on the insurance company's behalf. They may also be authorized to issue you a check on the insurance company's behalf. After a catastrophic storm, as a result of staffing constraints, the insurance company may send Field Adjusters from out of state to inspect your home. These Field Adjusters may not be familiar with Florida construction code or law.

Q: What is a Public Adjuster and why are they asking for a portion of my recovery?

A: A Public Adjuster is an insurance adjuster who works for you instead of the insurance company. They help advocate for a larger recovery from the insurance company on your behalf. Many times, an insurance Company's goal is to pay the lowest settlement that they can get the homeowner to accept. Sometimes, this settlement offer is not enough to put you back in your pre-loss condition. Alternatively, the insurance company may send out someone to handle your claim who is not well versed in Florida building codes or regulations. This may result in a lower payment if you do not have someone advocating on your behalf.

A Public Adjuster, working on your behalf, will inspect your property to make sure all areas of damage are documented, use software to create a competing estimate, and coordinate all requests made by the insurance company. The Public Adjuster will show the Field Adjuster why additional funds are necessary to put you back in your pre-loss condition. A Public Adjuster can also help you navigate the "red tape" that is involved in filing a claim with the insurance company, including: getting your claim to the right department inside the insurance company, responding to requests for documentation, and insurance company inspections.

Q: The Field Adjuster's settlement offer seems low, am I entitled to more?

A: Most Field Adjusters are not licensed general contractors. They may be from out of state and not educated on the actual construction costs in your area. It is always recommended that you get a second opinion from a Public Adjuster or a Licensed General Contractor. If you are dissatisfied with the insurance company's settlement offer, do not sign any releases that the carrier sends you. Any release that the insurance company has you sign may result in waiving your entitlement to additional benefits.

Q: I filed a claim, what are my rights as a property owner?

A: Many of your rights are defined in your policy. Reading the policy before making a claim is highly recommended. Once you make a claim, the insurance company should contact you within 14 days to schedule an inspection. You have a right to be returned to your pre-loss condition. If you have any questions about what constitutes your pre-loss condition, consulting with a Public Adjuster or an Attorney may be helpful.

Q: What is an Assignment of Benefits (AOB)?

A: An Assignment of Benefits, or an AOB, is a document signed by a policyholder that allows a third party, such as a water extraction company, a roofer, a mold remediation company, or a plumber to act on the policy holder's behalf and seek direct payment from the insurance company. This assignment gives them certain rights you have under the insurance contract, including the right to demand payment for their services directly from the insurance company. It also gives the third party asking for the Assignment of Benefits the right to sue the insurance company in the case of non-payment. Most of the time, this is expedient for the homeowner because he/she doesn't have to worry about finding the money to pay the third-party contractor. Many times, the contractor will assume the risk for non-payment from the insurance company as a cost of doing business. If you are concerned about signing an Assignment of Benefits, consult with an Attorney.

Q: The Field Adjuster told me not to work with a private contractor:

A: Some policies do contain provisions requiring you to work with a preferred contractor or give the preferred vendor the right of first refusal. Sometimes, Field Adjusters have been advised by the insurance company to push your repairs to the insurance company's preferred contractor. These preferred contractors may give the insurance company a better rate. Ask the Field Adjuster how long it would take for their preferred contractor to come to your home. You may be able to use a private contractor if the wait for their preferred contractor is too long. It may be helpful to discuss with the Field Adjuster your rights under the policy. If you have any further questions, consulting with a Public Adjuster or an Attorney may be helpful.

Q: The Field Adjuster told me I could simply repair parts of my damaged home without having to replace them:

A: Whether something needs to be replaced or simply repaired is a matter of debate. Sometimes a repair will put that part of your home back in its pre-loss condition. Other times, a complete replacement may be the better and longer-term fix. Getting a second professional opinion from a Public Adjuster or a Licensed General Contractor will not jeopardize your claim and may help educate you on what is needed to put your home back in its pre-loss condition.

Q: The insurance company issued me a check when the Field Adjuster visited my home. Is that all my claim is worth?

A: Most of the time, accepting a check will not preclude you from seeking more funds. There have been many occasions where the Field Adjuster has under-calculated the settlement amount. However, read the check that is issued to you carefully. Some companies have been known to include language on the check which would preclude you from asking for additional funds. Consulting with a Public Adjuster or an Attorney maybe helpful.

Q: Will getting a second opinion jeopardize my claim?

A: No. The insurance company is not allowed to penalize you for verifying that the recovery will put you back in your pre-loss condition. Ask a Licensed General Contractor or a Public Adjuster how much it will cost to repair your home to its pre-loss condition.

Q: How much money should the insurance company be paying?

A: The insurance company should put you back in your pre-loss condition. Consulting with a Public Adjuster, Licensed General Contractor, or an Attorney may help you determine how much money is required to put you back in your pre-loss condition.

Q: How long do I have to wait for the insurance company to make a determination on my claim?

A: The insurance company is supposed to make a coverage decision within 90 days. Requests for additional information may enlarge the window of time in which the insurance company has to make a coverage determination. If you believe the insurance company is taking too long to respond, consulting with a Public Adjuster or an Attorney may be helpful.

Q: I had to move out of my house, can I make a claim for additional expenses?

A: Depending on your policy, the insurance company may be required to pay for your housing expenses during the period that you are unable to live in the insured residence.

Q: I called the insurance company several times to report my claim, but no one has returned my calls

A: You have a right to a timely response from the insurance company. If you are unable to get in contact with a representative from the Insurance company, consulting with a Public Adjuster or an Attorney may be helpful.

Q: I can't afford an attorney, what do I do?

A: According to Florida Statute 627.428, your legal fees are paid by the insurance company if you prevail or settle your suit. This means that you don't pay anything to have an attorney represent you in your lawsuit against the insurance company. The attorney fees will not affect any money you receive in a settlement with the insurance company.

Q: Is the Field Adjuster an employee of the insurance company?

A: Some Field Adjusters are employees of the insurance company while others are independent contractors hired by the insurance companies.

Q: Do I have any responsibilities or duties that need to be completed in order to collect benefits for my claim?

A: You have a duty to mitigate against any further damage. If the insurance company is not providing a preferred mitigation company, it may be helpful to hire a third party. Speak to the Field Adjuster about your duties. If the insurance company is asking you to use a preferred contactor who will not be able to get to your home for a while to do the mitigation work, make sure the Field Adjuster confirms in writing that the delay caused by that contractor will not prejudice your claim.

Q: What are the qualifications to be a Field Adjuster?

A: For every company it is different. Often when a major disaster occurs, the insurance company hires independent contractors with no prior training and puts them into a short training course. This can sometimes lead to wrongful coverage decisions due to the inexperience of the Field Adjusters.

Q: I don't have a copy of my policy, now what?

A: You can request a certified copy of your policy from the insurance company or your insurance agent.

Q: The Field Adjuster told me working with a Public Adjuster would preclude them from working with me on my claim

A: This is only partially true. When you work with a Public Adjuster, that person becomes your representative. The Field Adjuster would then communicate with you through your Public Adjuster. Many Public Adjusters are skilled negotiators who will ensure that any information provided to the Field Adjuster will merit your claim.

Q: The Field Adjuster wants a recorded statement, what is that?

A: A recorded statement is a short audio statement given to your Field Adjuster. This is put into the claim file and can be used as evidence if you were to litigate your claim. If you are concerned as to what you are legally required to answer during a recorded statement, consulting with an Attorney may be helpful.