



Roadmap to Recovery Program™

# Resolving Hurricane Milton Insurance Disputes

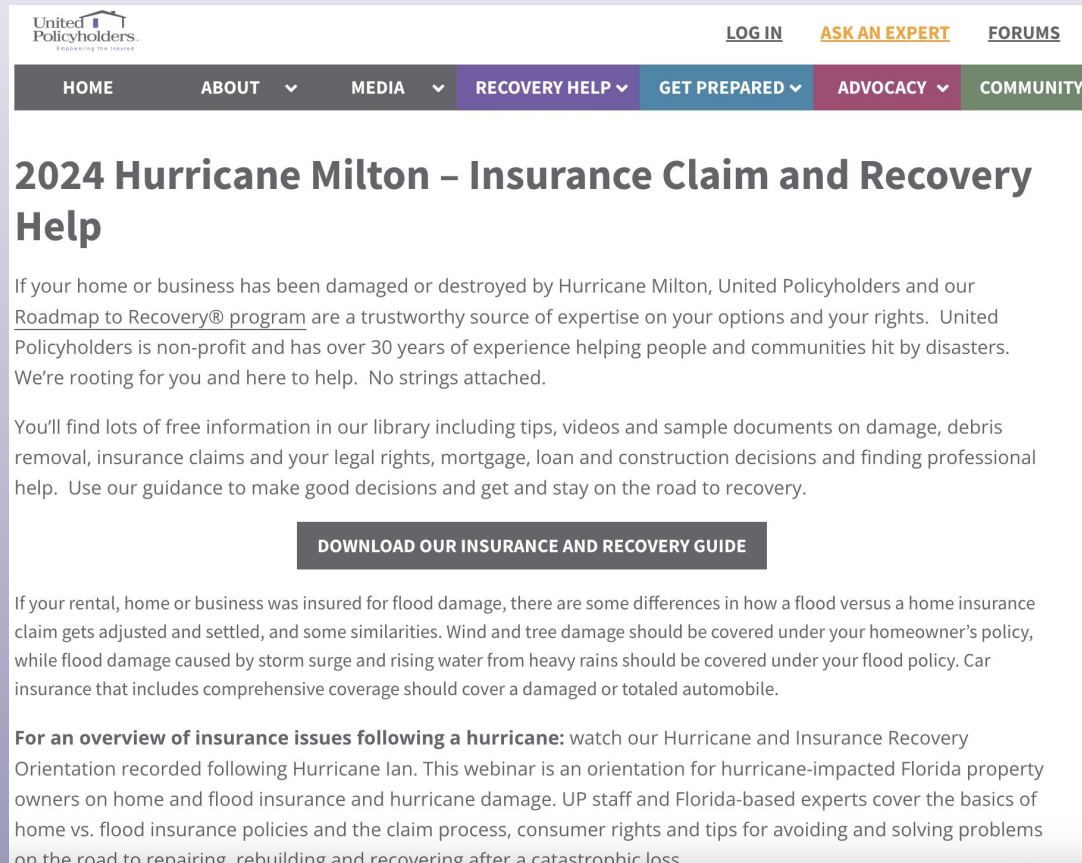
A Roadmap to Recovery® webinar  
September 17<sup>th</sup>, 2025

# About United Policyholders

- A not-for-profit organization with expertise in insurance and disaster recovery that does not accept funding from insurance companies
- A respected voice and trusted information resource for consumers across the United States
- Three plus decades of experience in disaster recovery
- Funded by donations and grants, fueled by volunteers (attorneys, professionals, recovered disaster victims)
- Partnering with government agencies and other non-profits and organizations to improve recovery in disaster-impacted communities.

# Hurricane Milton Recovery Help Library

- Florida-Specific Help Resources with Step-by-Step Guidance
- One Click Links to Sign UP for Events And Email Notifications
- Links to Professional Help  
[www.uphelp.org/findhelp](http://www.uphelp.org/findhelp)
- Sample Letters & Claim Forms  
[www.uphelp.org/samples](http://www.uphelp.org/samples)
- Survivors Speak Tips  
[www.uphelp.org/survivorsspeak](http://www.uphelp.org/survivorsspeak)
- Upcoming Events and Resources  
[www.uphelp.org/events](http://www.uphelp.org/events)



The screenshot shows the United Policyholders website with a navigation bar at the top. The navigation bar includes links for LOG IN, ASK AN EXPERT, and FORUMS. Below the navigation bar is a menu with options: HOME, ABOUT, MEDIA, RECOVERY HELP (selected), GET PREPARED, ADVOCACY, and COMMUNITY. The main content area features the title "2024 Hurricane Milton – Insurance Claim and Recovery Help". The text below the title states: "If your home or business has been damaged or destroyed by Hurricane Milton, United Policyholders and our Roadmap to Recovery® program are a trustworthy source of expertise on your options and your rights. United Policyholders is non-profit and has over 30 years of experience helping people and communities hit by disasters. We're rooting for you and here to help. No strings attached." Below this text is a paragraph: "You'll find lots of free information in our library including tips, videos and sample documents on damage, debris removal, insurance claims and your legal rights, mortgage, loan and construction decisions and finding professional help. Use our guidance to make good decisions and get and stay on the road to recovery." A button labeled "DOWNLOAD OUR INSURANCE AND RECOVERY GUIDE" is positioned below the paragraph. The bottom section of the page contains a paragraph: "If your rental, home or business was insured for flood damage, there are some differences in how a flood versus a home insurance claim gets adjusted and settled, and some similarities. Wind and tree damage should be covered under your homeowner's policy, while flood damage caused by storm surge and rising water from heavy rains should be covered under your flood policy. Car insurance that includes comprehensive coverage should cover a damaged or totaled automobile." The final paragraph reads: "For an overview of insurance issues following a hurricane: watch our Hurricane and Insurance Recovery Orientation recorded following Hurricane Ian. This webinar is an orientation for hurricane-impacted Florida property owners on home and flood insurance and hurricane damage. UP staff and Florida-based experts cover the basics of home vs. flood insurance policies and the claim process, consumer rights and tips for avoiding and solving problems on the road to repairing, rebuilding and recovering after a catastrophic loss."

# UP Resources

- Sample letters, examples of inventories, estimates and other claim documents available free, online at [www.uphelp.org/samples](http://www.uphelp.org/samples)
- Suggested wording for getting clear answers and policy benefit payments from an insurance company (denials, exclusions, etc.)
- Samples of dwelling replacement, code upgrade cost estimates, contents inventories, proof of loss forms

# Today's expert panel

Moderator: Amy Bach, Esq. United Policyholders

- Michael Cassel Esq., Cassel & Cassel, P.A.
- Cecile Latimore, Director of Customer Experience & Advocacy at Citizens Property Insurance Corporation
- Rick Tutwiler P.C.L.S., Florida Public Adjuster since 2005, Pres. and CEO of Tutwiler & Associates
- Leslie Webb, Liaison in the Research & Regulation Unit at Florida Department of Financial Services

# Amy Bach, Esq.



- A professional insurance consumer advocate since 1984, UP co-founder
- Leading UP's Roadmap to Recovery®, Roadmap to Preparedness and Advocacy and Action programs since 1995
- Published author, experienced trial and regulatory attorney
- Official Consumer Representative, National Association of Insurance Commissioners
- Appointed member, Federal Advisory Committee on Insurance (US Treasury)

# Michael Cassel, Esq.



Managing Partner

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# Cecile Latimore



Director of Customer  
Experience & Advocacy

Citizens Property Insurance  
Corporation

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[www.citizensfla.com/contactus](http://www.citizensfla.com/contactus)



# Rick Tutwiler, CPIA, PCLS



President and  
Chief Executive Officer

Tutwiler & Associates  
Public Adjusters, Inc.

Tampa, Florida

[www.publicadjuster.com](http://www.publicadjuster.com)

# Leslie Webb



Liaison, Research & Regulation Unit

Bureau of Insurance Assistance,  
Division of Consumer Services

Tallahassee, Florida

[www.myfloridacfo.com/division/consumers/contactus](http://www.myfloridacfo.com/division/consumers/contactus)

# Reminders

- ✓ **An insurance policy is a legal contract** but there are laws on how it gets interpreted
- ✓ **Adjusters have varying levels of expertise and ethics**
- ✓ **An insurance claim is a business negotiation**
- ✓ **You paid for coverage *and* good claim service**, and should not have to pay for expert reports, claim and legal help. But the reality is many people need help getting a fair and full settlement

# Common problems for claimants

- Payment denied (excluded as flood, loss below deductible, other)
- Insurers' insistence on proof documents that are hard for ph to get
- Big gaps between what an insurer offers on dwelling and contents vs. real life costs
- Adjuster communications (delayed responses, etc.)
- Disputes over matching, ACV vs. RCV on roof repairs
- Quality of work by managed repair companies
- Inadequate payment for mold testing and remediation

# Florida-specific issues

- Hurricane/wind deductibles
- ACV only coverage on specific items
- Roof charts/limits
- Managed Repair programs
- Third Party Claim Administrators
- Citizens depop program – who is your insurer?
- Tort reforms that made it harder for consumers to find/hire attorneys for insurance claims

# Reminders

- Having good documentation is key. You need accurate estimates of damage and costs to repair or replace your property.
- Maintain a daily journal where you jot down contact info and notes on conversations with insurance, repair, government, and other professionals.
- Seek professional help when needed.  
<https://uphelp.org/sponsor-location/florida/>

# The order we recommend...

1. Self help and tenacious ph (Speak UP) You paid for good claim service and coverage, do your best to resolve on your own directly with the insurer. (Citizens “Contact Us” feature)
1. Seek help from the Dept. of Fin’l Services and complain to elected officials
1. Hire professional claim or legal help Licensed, reputable public adjuster OR Policyholder/insurance consumer attorney



# Your insurer is legally obligated to process your claim promptly

- **7 Days** – After receiving your claim your insurer should review and acknowledge receipt of such communication unless payment is made within that period of time or unless the failure to acknowledge is caused by factors beyond the control of the insurer which reasonably prevent such acknowledgment. Fla. Stat. 627.70131(1)(a).
- **7 Days** – Within 7 days after an insurer receives proof of loss statements, your insurer should 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. Stat. 627.70131(3)(a).

- **30 days** the time for the insurer to perform a physical inspection and compliance is required in all claims for damages caused by hurricanes. 627.70131 (3)(b).  
Insurer's duty to acknowledge communications regarding claims investigation.
- **60 days** within of receipt of the claim, insurer must complete its claim investigation. Fla. Stat. 627.70131 (7) (a).
  - More time – If the insurer needs more time affirm or deny a claim, due to factors beyond their control. Then the insurer will be given additional time, but the claim must be paid or denied within 15 days after those factors cease. Fla. Stat. 627.70131(7)(a).

# Some deadlines get extended, some do not

- Insurer has 60 days to pay or deny claim. Fla. Stat. 70131 (7) (a).
- Policyholders have 1 year to file a claim for new or reopened claims. If claim is not filed within 1 year you will be barred from filing a lawsuit 627.70132 (2) Notice of Property Insurance Claim.
  - 18 months for supplemental claims. *Id.*
- Depending on the type of lawsuit you will file against the insurance company, Florida statute of limitations varies from 4 years (property damage) to 5 years (breach of contract), but all claims must be filed within the 1<sup>st</sup> year of loss or closed claim.

# Fairly, thoroughly, timely

The Florida Unfair Insurance Trade Practices Act lists specific unfair claim practices and there is a Florida “Policyholders Bill of Rights” (Fla. Stat. 626.9541)

# Where are we at the one year anniversary?

- **Michael** – Is it too late for Milton victims to sue an insurer?
- **Rick** – Are the insurance dollars flowing to your clients as they should be?
- **Leslie** – What types of complaints is your agency getting?
- **Cecile** – What data do we have on Milton claims?

# Roof repair/replacement challenges

- **Rick** – How can a homeowner make their best case to an insurer for fair payment?
- **Cecile** – What disputes are arising around roof repairs/replacement?
- **Leslie** - What complaints is your agency getting on roof claims?

# Adjuster problems

- **Leslie:** If a consumer is not getting a response from the insurer's adjuster, what's their remedy?
- **Rick:**
  - 1) If a consumer has a public adjuster, are they barred from communicating directly with an insurer?
  - 2) If a consumer is not getting good service from their public adjuster, what's the remedy?



# Adjuster is non-responsive

My adjuster is not answering my calls/emails timely and it's very frustrating. What can I do to fix this problem?

All panelists

# Consumer's right to their claim file documents

Do I have the right to request a full and complete file of reports and estimates from my adjuster/insurance company?

All panelists

# Insurance payouts for building code compliance

The flood insurer Wright is agreeing to cover demolition and other costs under their \$30,000 Cost of Compliance coverage. Citizens has denied liability under \$83,000 of Ordinance or Law Coverage for future additional costs I will hereafter incur, despite Pinellas County determination that both wind and flood from both Hurricane Helene and Milton were the causes of the substantial damage that was double the amount of the 49% limit.

Citizens contends the flood caused more damage but there is no proportionality provision in the policy or statute. The words of the Citizens policy as to O&L Coverage do not match the words of F.S. 627.7011 in the context of a total loss. Are you aware of any case law or other precedent or guidance on the issue of O&L Coverage and total loss and that the statutory requirement of coverage for a total loss does apply? The anti-concurrent cause provision accepts up to the \$83,000 of O&L Coverage.”

MC, RT, CL

# Wind vs. Water

Many claims get denied as flood (excluded).

Are there circumstances where a home policy in fact does cover hurricane water damage?

# Mediation

I've tried everything on my own to get my claim settled fairly, it's not working. Should I try "mediation", please explain, and what are my options?

All panelists

# Florida HO Mediation Program

Home insurance claim disputes:

Department of Financial Services,  
Mediation Program  
Phone: 877-693-5236

<https://www.myfloridacfo.com/division/consumers/mediation/>

# DFS Mediation

- **Michael:**
  - What should consumers understand about this process and what should they know before they go into the process?
  - What impact does a mediation have on a pending lawsuit?

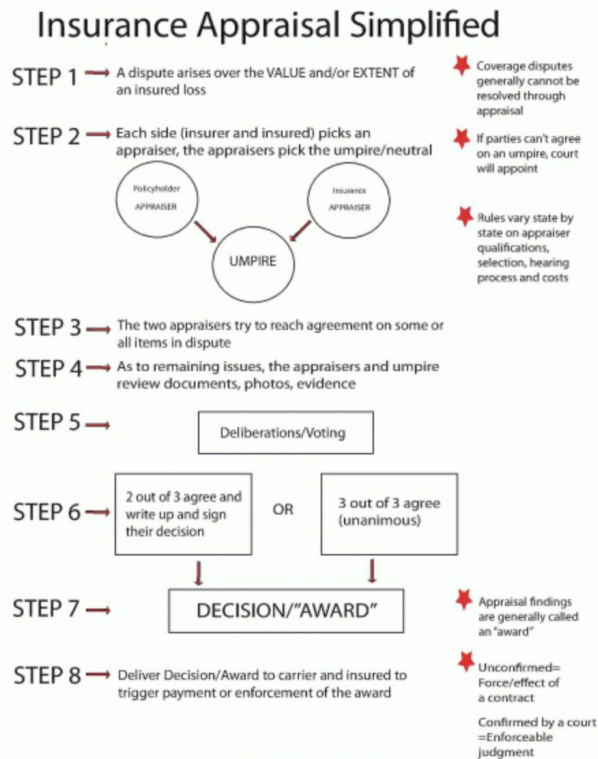


# The FL Division of Administrative Hearings (DOAH)

- **Cecile:**
  - How does the program work?
  - What does it cost to use the program?
  - Is the result binding, can I appeal?
- **Cecile, Michael, & Rick:**
  - What results are consumers getting through DOAH?

# Resolving disputes through the appraisal process

## Insurance Appraisal Simplified



### • Rick & Michael:

- Is Appraisal a realistic option for a consumer with a claim dispute?
- Approximate time and costs?

# Is it too late to hire professional help?

- If your insurer has denied your claim, it's most likely a coverage issue – legal assistance
- If you are stuck in claim limbo, it's likely a claims handling issue (intentional or negligent slow paying, inaccurate/biased expert reports, lowballing)

# Sources of help

- **Leslie and Rick:**
  - What help can I get from the the Department of Financial Services?
  - Are there other government agencies that can help me?
  - What about professional help?

# Help from FL Gov't Agencies

The Florida Department of Financial Services:

[www.myfloridacfo.com/Division/Consumers/contactus.htm](http://www.myfloridacfo.com/Division/Consumers/contactus.htm)

**1-877 693-5236**

# Flood dispute resolution options

National Flood Insurance Program claim disputes

FEMA, 400 C Street SW, 6th Floor SW

Washington, D.C. 20472-3010

[FEMA-NFIP-Appeals@fema.dhs.gov](mailto:FEMA-NFIP-Appeals@fema.dhs.gov)

# No flood insurance or claim denied

## Possible sources of \$

- Mortgage forbearance
- Home equity loans
- Tax strategies
- Charitable aid (see next slides)
- SBA loans, FEMA IA (Individual Assistance Grants)  
Appeal, try try again



# Lawsuit deadlines

- **Michael:**
  - If I need to sue my insurance company to get my claim paid fairly, what is the deadline?
  - If I miss the deadline, do I still have an option?

# Lawsuit economics

- **Michael:**
  - With the tort reforms the FL legislature enacted, can a FL resident still hire a lawyer to sue an insurer on a contingency fee basis or only hourly?

# An insurer's continuing duty to handle your claim fairly

- **Michael:**
  - Does the filing of a lawsuit mean an insurer no longer needs to continue processing your claim?

# Hurricane Milton Recovery Resources

- Visit [FloridaDisaster.org/info](https://FloridaDisaster.org/info) for Hurricane Milton information.
- Disaster Legal Services is still providing free legal help to low-income disaster survivors. Call the hotline at 866-550- 2929 any time and leave a message.
- General statewide recovery resources
  - [Floridadisaster.biz](https://Floridadisaster.biz) Directory
  - Call 2-1-1 for local resources

# Where to report unethical/problem professionals

## **Contractors, roofers, remediation professionals:**

Florida Dept. of Business and Professional Regulation:  
<http://www.myfloridalicense.com/DBPR/file-a-complaint/>

## **Insurance adjusters (staff, public or independent)**

The Florida Department of Financial Services

- Website: [www.myfloridacfo.com/division/consumers/contactus](http://www.myfloridacfo.com/division/consumers/contactus)
- Email: [Consumer.Services@Myfloridacfo.com](mailto:Consumer.Services@Myfloridacfo.com)
- Call: (877) 693-5236

*FL Ass'n of Public Ins. Adjusters – Voices of policyholders recorded line*

## **Attorneys:**

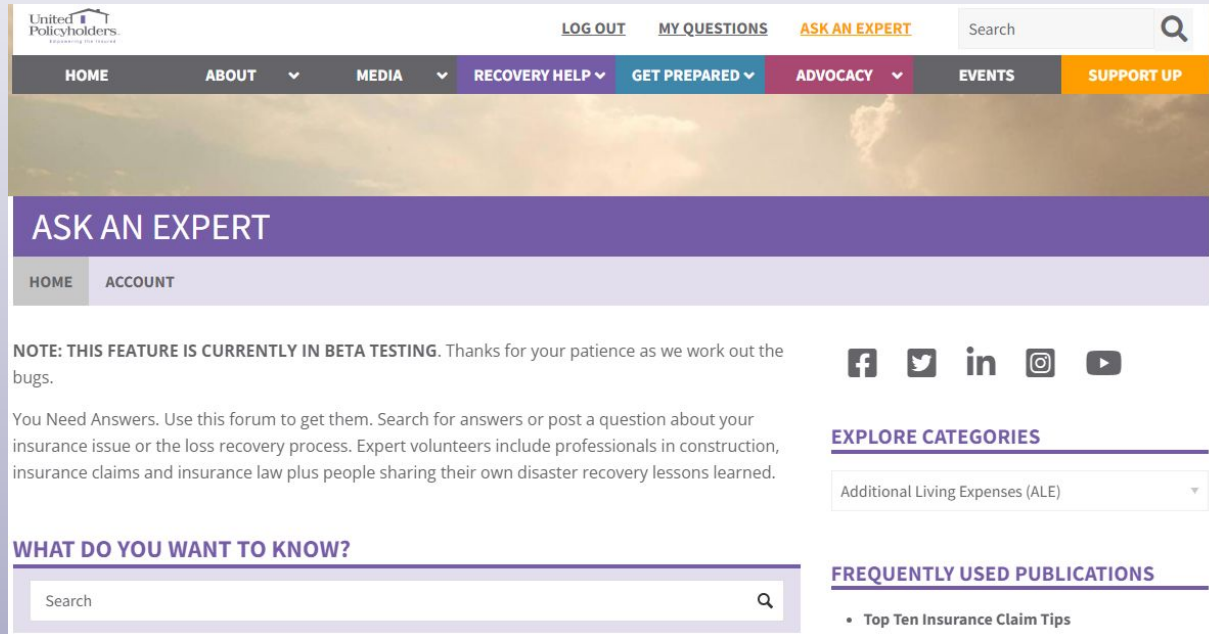
Florida State Bar [Attorney/Consumer Assistance Program](#) or call:  
866-352-0707

# For more info, visit:

- [www.uphelp.org/milton](http://www.uphelp.org/milton)
- [www.uphelp.org/claim-guidance-publications/](http://www.uphelp.org/claim-guidance-publications/)
- [www.uphelp.org/sponsor-location/florida/](http://www.uphelp.org/sponsor-location/florida/)

# Ask an Expert Forum

## [www.uphelp.org/ask-an-expert](http://www.uphelp.org/ask-an-expert)



- Register. It's free.
- Write in your questions.
- Get an answer from an expert in construction, insurance, laws and disaster recovery.

# THANK YOU!

Florida expert volunteers

and

Attendees, for your time and attention...



# Thank You to Our Funders



COMMUNITY  
FOUNDATION

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of Sarasota County