WHEN FILING AN AUTO CLAIM, YOU SHOULD TAKE THE FOLLOWING STEPS:

In the case of an accident, contact law enforcement to report the accident regardless of how minor it seems. Write down names, addresses and phone numbers of any witnesses in case your insurance company needs to contact them later.

Call your insurance company and agent immediately for further instructions. The insurance company may deny payment of your claim if you do not report the accident in a timely manner. Read your insurance policy and understand your duties as an insured.

In some cases, your insurance company will send an adjuster to inspect your automobile or require photos of the damage before you obtain any necessary repairs. In other cases, your insurance company will instruct you to obtain an estimate for the repair.

GET AUTHORIZATION

Before you begin repairs, make sure the insurance company has inspected the damage to your vehicle. Remember that the claims process can be a negotiation between you and the insurance company. You have the right to select the repair shop to repair your automobile after an accident. However, it is very common for an insurance company to have a list of preferred shops in your area. Check with the company and review your policy as to the benefits of using their preferred shop. Sometimes you may be offered either a free replacement vehicle for the duration of the time repairs take; guaranteed repairs for as long as you keep the vehicle; or, a premium discount.

FLOODED VEHICLES

If your vehicle was damaged by flood, you must first verify that the flood coverage is not excluded in your policy. If it is not excluded, you will still need to have comprehensive coverage to cover your damages. Without comprehensive coverage, your insurance company is not responsible for the damages caused by flood.

Flooded vehicles are often declared a total loss because repairing water damage is complicated and costly. If this is the case, the insurance company is required to report the vehicle a total loss as a flooded vehicle to Florida Department of Highway Safety and Motor Vehicles (FLHSMV). The vehicle's title will be branded by the FLHSMV as a total loss or flooded vehicle.

TOTALED VEHICLES

For a totaled car, your insurance company may offer you a cash settlement based on the actual cost to purchase a comparable vehicle.

When determining the value of your vehicle, the insurance company should make comparisons based on models made by the same manufacturer; the same model year; of a similar body type; in a similar condition; with similar options; with similar mileage; all within a reasonable driving distance of your residence. The company may elect to offer you a replacement vehicle.

CLAIM SETTLEMENT

An insurance company is only responsible for paying the Actual Cash Value (ACV) of your vehicle at the time of loss. The term “actual cash value” means the cost to replace less depreciation. For this reason, some newer vehicles may have outstanding loan balances that exceed the ACV of the vehicle.

The insurance company must repair your automobile with parts at least equal in quality and fit as the original parts. In some cases, aftermarket parts may be used. An aftermarket part is a replacement for any of the non-mechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle but can include inner and outer panels. They are parts that are not manufactured by the original automobile maker.

ASSIGNMENT OF BENEFITS

Sometimes repair shops may ask you to sign over your insurance claim rights to them. These agreements are generally known as ‘Assignment of Benefits’. For policies issued or renewed on or after 07/01/2023 by authorized insurers, such assignments for glass repair and/ or calibration or recalibration of Advanced Driver Assistance Systems (ADAS) are prohibited. These assignments are considered void and unenforceable. This prohibition applies to repair or replacement of motor vehicle glass claims, including windshield claims.

Visit our Automobile Insurance FAQs page for more information.

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FLORIDA DEPARTMENT OF FINANCIAL SERVICES
Division of Consumer Services

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