

**FLORIDA INSURANCE BULLETINS AND RELATED MATERIALS
INFORMATIONAL BULLETINS**

Informational Bulletin 93-005

March 24, 1993

TO: All Insurers Writing or Which Have Written Property Insurance Coverage in the State of Florida

FROM: Tom Gallagher

Insurance Commissioner

DATE: March 24, 1993

RE: RELEASE OF HURRICANE ANDREW CLAIMS

It has been brought to the attention of the Florida Department of Insurance that some insureds are being required to sign full releases in order to receive claims disbursement in settlement of claims relating to Hurricane Andrew.

The Department interprets [Florida Statutes 626.9541\(1\)\(i\)](#), [626.9641\(1\)\(b\)](#), [626.9702](#), [627.4265](#), [627.702](#) and Emergency Rule Subsections 4ER92-26(4)(g), 4ER92-27(4) and other emergency rule subsections on similar topics, to mean:

1. No check or draft issued in settlement of an insurance claim shall contain a provision which makes negotiation of the instrument an acceptance of the amount payable thereon as full and final settlement of the underlying insurance claim, except those that are for full policy limits.

2. To eliminate misunderstanding or confusion and possible violation of [Florida Statute 626.9541](#) and [Rule 4-166.023, Florida Administrative Code](#), the Department is requesting that insurers limit the use of general releases to those settlements for which they are appropriate, and insert in said releases language to the effect that the release shall not constitute a final waiver of claims which are reasonably unforeseen on the date of the release.

Should you have any questions regarding this bulletin, please contact Dave Goding at (904) 922-3146, extension 5254, or Matt Wester at (904) 922-3146, extension 5258.

Insurance Product Line: General, Property/Casualty

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