



FEMA

W-04087

November 5, 2004

MEMORANDUM FOR: Write Your Own Principal Coordinators and the NFIP Servicing Agent

FROM: *David I. Maurstad*
David I. Maurstad
Acting Director
Mitigation Division
Emergency Preparedness
and Response Directorate

SUBJECT: 30-Day Claim Rule – State of Florida

The State of Florida has issued a rule that requires all insurers with personal lines residential property claims to take certain actions in regard to settling claims within specified deadlines (generally 30 days) and to file affidavits of compliance with the Florida Office of Insurance Regulation. Failure to comply with the reporting deadlines results in a \$2500 a day penalty. While the rule does not specifically mention flood claims filed with the NFIP or WYO companies, this is to make clear that the rule does not apply to the NFIP or WYO companies. As I informed you with respect to the Emergency Mediation Rule, Federal law authorizes only the Director of FEMA (delegated to the Federal Insurance Administrator) to administer the NFIP and gives no further authorization to any state entity. We most certainly want to settle claims as expeditiously as possible; however, the NFIP and WYO companies cannot be held subject to an order from the State.

If you have questions regarding this issue, please call Ed Connor at 202-646-3429.

cc: Vendors, IBHS, FIPNC, WYO Marketing Committee, Government Technical Representative

Suggested Routing: Claims, Legal, Marketing