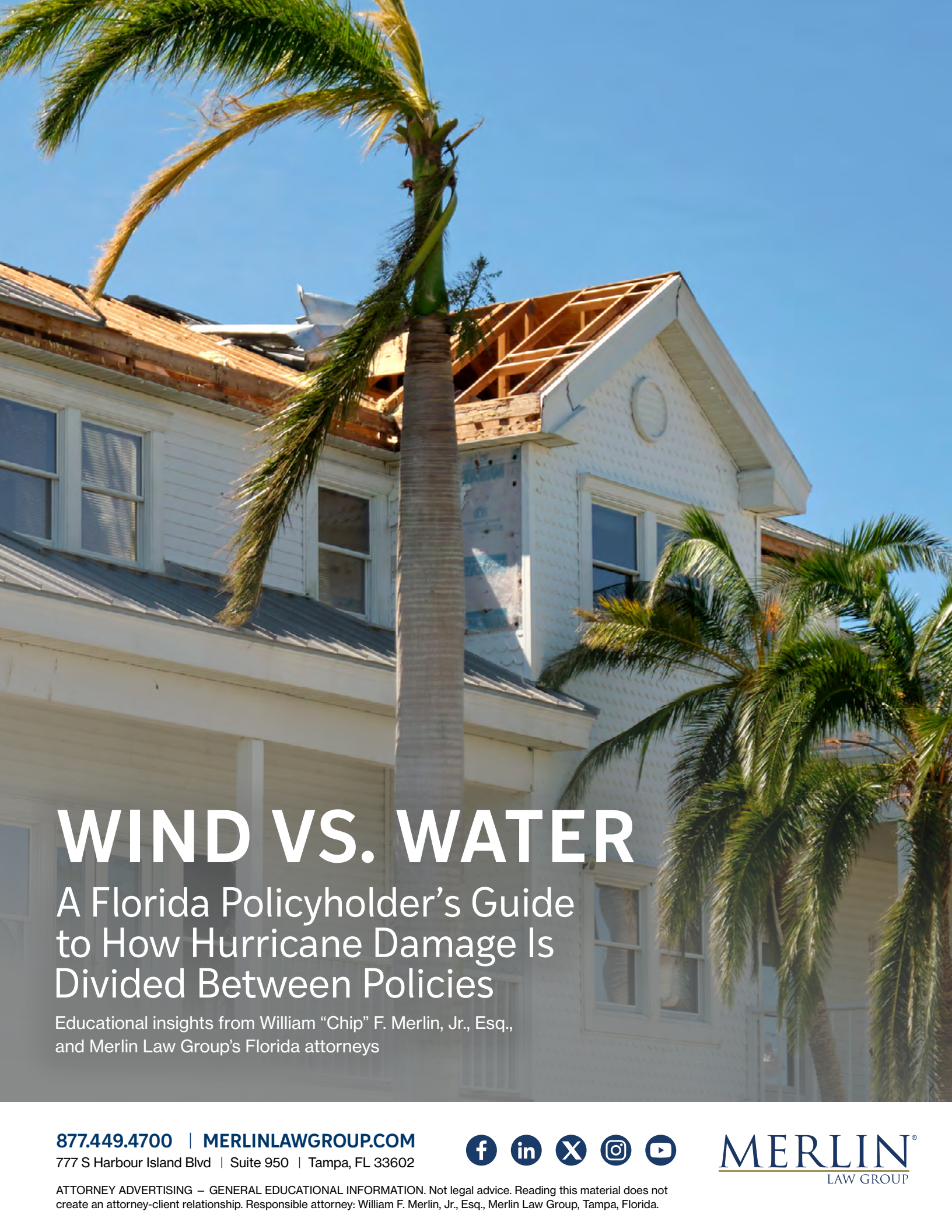




WIND VS. WATER

A Florida Policyholder's Guide to How Hurricane Damage Is Divided Between Policies

Educational insights from William "Chip" F. Merlin, Jr., Esq., and Merlin Law Group's Florida attorneys

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WHY THE CAUSE OF DAMAGE MATTERS

After a hurricane, the first question an insurer often asks is not how much damage there is, but what caused it. The answer decides which policy responds and how much it pays.

USUALLY A HOMEOWNERS OR WIND CLAIM:

- Roof covering torn off or lifted by wind
- Windows, doors or garage doors broken by wind or flying debris
- Rain that entered through a wind-created opening in the roof or walls
- Fallen trees and limbs that strike the house
- Fences, screen enclosures and sheds damaged by wind

USUALLY A FLOOD CLAIM:

- Storm surge pushing water into the home
- Rising water from overflowing rivers, bays or drainage
- Groundwater seeping in through the foundation or floor

Standard Florida homeowners policies generally exclude flood. Flood damage is covered only if you carry a separate flood policy through the National Flood Insurance Program or a private flood insurer.

When Both Happened

Many homes have both wind and water damage. Disputes often arise over how much of the damage was caused by wind and how much by flood. Many policies also contain “anti-concurrent causation” language, which can affect coverage when an excluded cause like flood combines with a covered cause like wind. How that language applies depends on the policy wording and the facts.

ASK FOR THE BASIS IN WRITING

If your insurer says some of your damage was caused by flood or storm surge, ask it to identify in writing which damage, the evidence it relied on, and the policy provision it is applying. Florida requires insurers to send you their adjuster’s detailed estimate within 7 days after it is created. §627.70131, Fla. Stat.

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Evidence That Helps Show Wind Damage

- ☐ Photos of the roof, soffits, windows and siding taken before any repairs
- ☐ Photos of the waterline inside and outside, if there was flooding, so wind damage above it is clear
- ☐ Ceiling and upper-wall water stains, which usually point to roof or window openings rather than rising water
- ☐ Debris patterns, fallen trees and neighboring damage
- ☐ Local wind reports for your area on the day of the storm
- ☐ An independent roofer's or engineer's written assessment, if you obtain one

- Ask each insurer, in writing, which damage it is paying for and which it is attributing to another policy.
- Watch for gaps where each insurer says the other one should pay.

Questions To Ask Your Homeowners Insurer

- Which items of damage are you attributing to flood or surge, and on what evidence?
- Did your adjuster inspect the roof and attic in person?
- Are you relying on any anti-concurrent causation language? Which provision?
- Will you send me your adjuster's estimate and any engineer's report?

Your Hurricane Deductible

In Florida, a homeowners hurricane deductible applies once per calendar year to covered hurricane losses with the same insurer or insurer group. If you also carry flood insurance, that policy has its own separate deductible. §627.701(5), Fla. Stat.

If You Have More Than One Policy

- Report the loss to every insurer that might respond: homeowners, any separate wind policy, and flood.
- Give each insurer the same photos and timeline.

FLOOD CLAIMS ARE SEPARATE

NFIP flood policies have their own claim rules, including strict proof-of-loss deadlines – commonly 60 days from the date of loss unless extended in writing by the FEMA Administrator. Contact your flood insurer or visit [FloodSmart.gov](https://www.floodsmart.gov) with flood-claim questions. Merlin Law Group does not handle flood insurance claims.

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