

# OIR Residential Property Claims and Litigation Report

## Data Call Overview

Pursuant to s. 624.424(11), F.S., each authorized insurer or insurer group issuing personal lines or commercial lines residential property insurance policies in Florida is required to annually file a supplemental report on an individual and group basis for closed claims with the Florida Office of Insurance Regulation (OIR). The first year of data collected was for 2022 and the information below compiles aggregated information stemming from that data. Various elements of this data have been released by the Office in other reports and presentations throughout the 2023 calendar year.

The Florida Property Claims and Litigation Report (PCLR) is a data call designed to assist OIR and other stakeholders with identifying and understanding the life cycle of claims and claims trends. The first reporting deadline for the 2023 PCLR was March 1, 2023. The data reported captures information about closed claims during calendar year 2022. As this data represents claims closed prior to the effective date of the legislative reforms passed in 2022 and 2023, it reflects market conditions before those reforms. As additional data calls are collected, OIR will be able to track, among other things, the impact of those reforms. It should be noted that other metrics used by the Office indicate a strengthening market following those reforms.

Prior to the reforms being passed, the nationwide Market Conduct Annual Statement data reported by the Office showed that in 2022 Florida accounted for 14.9% percent of nationwide claims but had 70.9% of the nation's litigation. To further review the Florida claims specifically, the PCLR report tracks the entire life cycle of every claim that closed in 2022. Collecting data related to the life cycle of claims will assist in detecting and resolving any emerging issues in the claims experience process. The 2023 PCLR data call was the first data collection across the country to require detailed closed claims experience from companies in this format. To ensure the integrity of the data, OIR identified irregularities and required insurers to resubmit corrected filings throughout the review process.

The data call was noticed to 621 companies; 180 companies submitted data filings<sup>1</sup>. Additional highlights from the data reported include:

- Total number of reported claims closed in 2022: **732,390**
  - Total number of litigated claims: **58,395**
  - Total number of non-litigated claims: **534,738**
- Total cost of indemnity paid for claims closed in 2022: **\$11.2 billion**
- Total loss adjustment expenses (LAE) paid for claims closed in 2022: **\$1.5 billion**
  - Average LAE paid across all perils for litigated claims: **\$9,934**
  - Average LAE paid across all perils for non-litigated claims: **\$1,576**
- The area of the state with the highest number of litigated claims: **Palm Beach, Broward, and Miami-Dade counties**
  - Total number of litigated claims: **28,653**
  - Total number of non-litigated claims: **75,432**
  - Percentage of litigated claims: **27.5%**

---

<sup>1</sup> OIR issued the PCLR data call to all required insurers authorized to do business in the state. A company can be authorized to do business, but have no policies in force, and therefore no data to submit. A “no data” filing allows OIR to track which companies have responded, but do not have data.

## OIR Residential Property Claims and Litigation Report

This report provides a summary of the data submitted for the 2023 PCLR data call. Please note, any PCLR data filings containing company specific data which has been marked trade secret are not subject to release, pursuant to s. 624.4213, Florida Statutes.

### Data Call Reporting

OIR developed Form [OIR-B1-2222](#), Florida Property Claims Litigation Data Call Reporting Form, for companies to use when submitting PCLR data. The reporting template contains five main categories to capture information on closed claims within the reporting calendar year: Main Claim Information, Vendor Information, Attorney Information, Public Adjuster Information, and Supplemental Information.

OIR noticed the 2023 PCLR data call to each insurer or insurer group required to submit data in [January 2023](#). Companies were encouraged to begin submitting data as soon as possible, ahead of the March 1 deadline. OIR issued a total of \$38,000 in penalty fines to 13 insurers for failing to timely file the required 2023 PCLR data.

### Closed Claims by Peril

The 2023 PCLR data call captures information about claims closed in 2022 by peril<sup>2</sup>. The table below provides an overview of the closed claims data submitted for the 2023 PCLR data call.

Peril	Closed Claims	Litigated	Non-Litigated	Unknown
Accidental Discharge; Overflow of Water; Steam	84,890	11.61%	70.47%	17.92%
All Other Perils	81,788	7.16%	69.85%	22.98%
Falling Object	3,358	6.05%	83.92%	10.04%
Fire or Lightning	15,287	1.91%	73.76%	24.33%
Hurricane	291,155	5.08%	77.09%	17.84%
Other Water	83,298	11.56%	76.62%	11.82%
Sinkhole	319	20.38%	65.20%	14.42%
Windstorm or Hailstorm (other than Hurricane)	172,295	10.29%	66.92%	22.79%

### Closed Claims by County

The table below provides an overview of closed claims by county submitted for the 2023 PCLR data call.

County	Closed Claims	Percent of Total Closed Claims	Litigated	Non-Litigated	Unknown
Alachua	3,877	0.53%	3.66%	79.24%	17.10%
Baker	218	0.03%	5.96%	71.10%	22.94%
Bay	5,047	0.69%	15.91%	36.64%	47.45%
Bradford	275	0.04%	2.18%	64.00%	33.82%

<sup>2</sup> Claims closed in 2022 may not have been originally reported in the same calendar year.

## OIR Residential Property Claims and Litigation Report

<b>Brevard</b>	16,181	2.21%	7.24%	72.33%	20.43%
<b>Broward</b>	41,788	5.71%	25.29%	67.89%	6.82%
<b>Calhoun</b>	113	0.02%	28.23%	43.36%	28.32%
<b>Charlotte</b>	53,173	7.26%	0.80%	75.61%	23.59%
<b>Citrus</b>	2,292	0.31%	5.45%	82.59%	11.95%
<b>Clay</b>	4,787	0.65%	7.14%	66.79%	26.07%
<b>Collier</b>	18,454	2.52%	6.19%	75.19%	18.62%
<b>Columbia</b>	867	0.12%	4.04%	71.51%	24.45%
<b>DeSoto</b>	3,376	0.46%	0.68%	82.73%	16.59%
<b>Dixie</b>	80	0.01%	2.50%	68.75%	28.75%
<b>Duval</b>	19,015	2.60%	6.22%	70.83%	22.95%
<b>Escambia</b>	8,959	1.22%	13.58%	67.71%	18.71%
<b>Flagler</b>	5,946	0.81%	5.01%	76.84%	18.15%
<b>Franklin</b>	189	0.03%	4.76%	28.04%	67.20%
<b>Gadsden</b>	604	0.08%	23.34%	53.48%	23.18%
<b>Gilchrist</b>	126	0.02%	2.38%	75.40%	22.22%
<b>Glades</b>	878	0.12%	1.03%	11.39%	87.59%
<b>Gulf</b>	610	0.08%	11.80%	14.10%	74.10%
<b>Hamilton</b>	100	0.01%	0.00%	82.00%	18.00%
<b>Hardee</b>	1,226	0.17%	0.57%	66.72%	32.71%
<b>Hendry</b>	720	0.10%	6.53%	54.03%	39.44%
<b>Hernando</b>	4,386	0.60%	8.05%	83.49%	8.46%
<b>Highlands</b>	11,023	1.51%	0.83%	59.77%	39.40%
<b>Hillsborough</b>	34,206	4.67%	7.75%	72.65%	19.60%
<b>Holmes</b>	121	0.02%	7.44%	66.12%	26.45%
<b>Indian River</b>	4,015	0.55%	5.18%	68.51%	26.31%
<b>Jackson</b>	542	0.07%	24.54%	57.56%	17.90%
<b>Jefferson</b>	114	0.02%	4.39%	78.95%	16.67%
<b>Lafayette</b>	31	0.00%	3.23%	80.65%	16.13%
<b>Lake</b>	11,570	1.58%	6.83%	65.11%	28.06%
<b>Lee</b>	122,694	16.75%	2.30%	81.02%	16.69%
<b>Leon</b>	3,304	0.45%	4.39%	78.32%	17.29%
<b>Levy</b>	380	0.05%	1.84%	78.16%	20.00%
<b>Liberty</b>	40	0.01%	10.00%	70.00%	20.00%
<b>Madison</b>	100	0.01%	2.00%	71.00%	27.00%
<b>Manatee</b>	13,072	1.78%	2.87%	76.61%	20.52%
<b>Marion</b>	10,878	1.49%	8.19%	74.21%	17.60%
<b>Martin</b>	2,363	0.32%	10.88%	69.70%	19.42%
<b>Miami-Dade</b>	41,023	5.60%	31.45%	64.35%	4.20%
<b>Monroe</b>	1,073	0.15%	12.67%	64.96%	22.37%
<b>Nassau</b>	1,437	0.20%	5.29%	66.18%	28.53%
<b>Okaloosa</b>	3,198	0.44%	3.04%	63.08%	33.89%
<b>Okeechobee</b>	648	0.09%	1.85%	73.92%	24.23%
<b>Orange</b>	49,627	6.78%	7.53%	68.75%	23.72%
<b>Osceola</b>	16,717	2.28%	8.80%	66.89%	24.31%
<b>Palm Beach</b>	28,205	3.85%	18.45%	73.44%	8.10%
<b>Pasco</b>	10,934	1.49%	8.78%	79.75%	11.47%
<b>Pinellas</b>	16,151	2.21%	6.28%	81.17%	12.55%
<b>Polk</b>	28,695	3.92%	3.95%	70.57%	25.48%
<b>Putnam</b>	859	0.12%	3.49%	61.23%	35.27%
<b>Saint Johns</b>	6,508	0.89%	6.56%	71.62%	21.82%

## OIR Residential Property Claims and Litigation Report

<b>Saint Lucie</b>	9,119	1.25%	9.38%	76.37%	14.25%
<b>Santa Rosa</b>	4,594	0.63%	7.68%	63.97%	28.34%
<b>Sarasota</b>	46,229	6.31%	1.32%	79.85%	18.83%
<b>Seminole</b>	19,072	2.60%	6.16%	67.05%	26.79%
<b>Sumter</b>	3,769	0.51%	11.73%	71.03%	17.25%
<b>Suwannee</b>	328	0.04%	1.83%	58.84%	39.33%
<b>Taylor</b>	151	0.02%	1.32%	85.43%	13.25%
<b>Union</b>	49	0.01%	0.00%	77.55%	22.45%
<b>Unknown</b>	1,782	0.24%	1.12%	13.69%	85.19%
<b>Volusia</b>	33,006	4.51%	3.41%	76.13%	20.46%
<b>Wakulla</b>	253	0.03%	5.14%	75.49%	19.37%
<b>Walton</b>	1,024	0.14%	3.52%	57.42%	39.06%
<b>Washington</b>	199	0.03%	12.06%	69.35%	18.59%

### Litigated and Non-Litigated Closed Claims

Data reported by insurers can provide information about litigation practices throughout the state. The counties with the highest number of claims closed do not necessarily reflect higher numbers of litigated claims. The area of the state with the highest number of litigated claims is the tri-county area of Palm Beach, Broward and Miami-Dade. The area of the state with the second highest number of litigated claims is Central Florida in Seminole, Orange, Lake and Osceola counties. The table below provides information on reported litigation practices.

<b>Litigated and Non-Litigated Closed Claims Comparison</b>					
<b>Area of the Florida</b>	<b>Policies in Force</b>	<b>Litigated Claims</b>	<b>Non-Litigated Claims</b>	<b>Percentage of Litigated Claims</b>	<b>Percentage of Non-Litigated Claims</b>
<b>Palm Beach, Broward and Miami-Dade counties</b>	1,651,621	28,653	75,432	27.5%	72.5%
<b>Seminole, Orange, Lake and Osceola counties</b>	846,647	7,171	65,612	9.9%	90.1%
<b>All Other Counties</b>	4,772,823	22,571	393,694	5.4%	94.6%
<b>Statewide Average</b>	7,271,091	58,395	534,738	9.8%	90.2%

## OIR Residential Property Claims and Litigation Report

### Litigated Claim Costs

The total claim amount paid by an insurer includes the total of the indemnity<sup>3</sup> paid and the total LAE<sup>4</sup> paid. For the 2023 PCLR data call, insurers reported a total of **\$11.2 billion** for the cost of indemnity paid for claims closed in 2022 and a total of **\$1.5 billion** for the cost of LAE paid for claims closed in 2022. The 2023 PCLR data call also collected information regarding contingency fee multiplier awarded for litigated claims. Of the **58,395** litigated claims, **21,856** claims had a **0.0** contingency fee multiplier awarded, **1** claim had a **1.5** contingency fee multiplier awarded, **2** claims had a **1.8** contingency fee multiplier awarded, **1** claim had a **2.0** contingency fee multiplier awarded, and **36,535** claims were submitted as unknown for contingency fee multiplier awarded. The following tables (Indemnity Paid for Litigated Claims, LAE Paid for Litigated Claims, Combined View of Indemnity and LAE Paid for Litigated Claims) provide data on the cost of litigated claims by peril.

Indemnity Paid for Litigated Claims									
	Litigated	Accidental Discharge; Overflow of Water; Steam	All Other Perils	Falling Object	Fire or Lightning	Hurricane	Other Water	Sinkhole	Windstorm or Hailstorm (other than Hurricane)
Claims	Yes	9,851	5,858	203	292	14,778	9,628	65	17,720
	No	59,799	57,126	2,818	11,276	224,444	63,822	208	115,245
	Unknown	15,204	18,796	337	3,719	51,933	9,848	46	39,244
Indemnity	Yes	\$313,804,607	\$179,031,370	\$5,544,105	\$43,023,297	\$1,002,862,757	\$239,270,096	\$11,286,553	\$671,461,865
	No	\$837,779,380	\$482,400,436	\$13,076,184	\$498,018,268	\$3,170,335,590	\$699,518,561	\$8,184,555	\$1,400,198,471
	Unknown	\$189,101,442	\$47,217,440	\$2,548,163	\$95,936,630	\$770,610,626	\$95,148,971	\$1,018,192	\$485,712,900
Avg. Indemnity	Yes	\$31,862	\$30,578	\$27,311	\$147,340	\$67,862	\$24,851	\$173,639	\$37,910
	No	\$14,035	\$8,476	\$4,644	\$44,209	\$14,154	\$10,961	\$39,539	\$12,206
	Unknown	\$12,438	\$2,513	\$7,561	\$25,796	\$14,839	\$9,666	\$22,135	\$12,378

<sup>3</sup> Indemnity - Compensation for loss.

<sup>4</sup> Loss Adjustment Expenses (LAE) – The cost involved in an insurance company’s adjustment of losses under a policy.

## OIR Residential Property Claims and Litigation Report

LAE Paid for Litigated Claims									
	Litigated	Accidental Discharge; Overflow of Water; Steam	All Other Perils	Falling Object	Fire or Lightning	Hurricane	Other Water	Sinkhole	Windstorm or Hailstorm (other than Hurricane)
Claims	Yes	9,851	5,858	203	292	14,778	9,628	65	17,720
	No	59,799	57,126	2,818	11,276	224,444	63,822	208	115,245
	Unknown	15,204	18,796	337	3,719	51,933	9,848	46	39,244
% of Total Claims by Peril	Yes	16.9%	10.0%	0.3%	0.5%	25.3%	16.5%	0.1%	30.3%
	No	11.2%	10.7%	0.5%	2.1%	42.0%	11.9%	0.0%	21.6%
	Unknown	10.9%	13.5%	0.2%	2.7%	37.3%	7.1%	0.0%	28.2%
LAE	Yes	\$107,937,291	\$52,843,019	\$2,660,581	\$4,534,788	\$209,054,845	\$72,366,340	\$1,872,275	\$128,760,055
	No	\$93,845,682	\$80,842,666	\$2,780,005	\$20,555,535	\$376,214,554	\$108,522,050	\$2,081,563	\$154,096,366
	Unknown	\$10,654,968	\$4,559,556	\$269,709	\$3,489,144	\$69,871,164	\$11,003,631	\$213,281	\$35,480,026
% of Total LAE by Peril	Yes	18.61%	9.11%	0.46%	0.78%	36.04%	12.48%	0.32%	22.20%
	No	11.19%	9.64%	0.33%	2.45%	44.84%	12.94%	0.25%	18.37%
	Unknown	7.86%	3.36%	0.20%	2.57%	51.55%	8.12%	0.16%	26.18%
Avg. LAE	Yes	\$10,957	\$9,022	\$13,106	\$15,530	\$14,147	\$7,516	\$28,804	\$7,267
	No	\$1,576	\$1,421	\$988	\$1,834	\$1,681	\$1,700	\$10,056	\$1,352
	Unknown	\$712	\$249	\$825	\$952	\$1,361	\$1,121	\$4,637	\$909

## OIR Residential Property Claims and Litigation Report

Combined View of Indemnity and LAE Paid for Litigated Claims					
		Avg. Indemnity		Avg. LAE	
Peril	Days to Close	Litigated	Non-Litigated	Litigated	Non-Litigated
Accidental Discharge; Overflow of Water; Steam	<61 Days	\$26,535	\$9,038	\$10,108	\$1,131
	61 – 180 Days	\$31,070	\$17,851	\$10,907	\$1,874
	181 – 365 Days	\$38,785	\$31,816	\$9,757	\$2,911
	>365 Days	\$51,658	\$57,479	\$15,633	\$6,273
All Other Perils	<61 Days	\$29,221	\$4,867	\$8,655	\$808
	61 – 180 Days	\$22,914	\$15,057	\$6,927	\$2,608
	181 – 365 Days	\$31,474	\$23,594	\$8,607	\$3,422
	>365 Days	\$56,062	\$53,062	\$16,442	\$9,397
Falling Object	<61 Days	\$26,466	\$2,692	\$11,884	\$767
	61 – 180 Days	\$25,172	\$7,603	\$15,490	\$1,572
	181 – 365 Days	\$37,520	\$27,268	\$6,557	\$2,383
	>365 Days	\$46,179	\$25,242	\$14,296	\$1,877
Fire or Lightning	<61 Days	\$79,219	\$18,144	\$12,588	\$912
	61 – 180 Days	\$124,059	\$71,845	\$12,058	\$2,675
	181 – 365 Days	\$194,499	\$161,600	\$15,622	\$6,053
	>365 Days	\$229,174	\$258,169	\$23,866	\$10,101
Hurricane	<61 Days	\$65,631	\$11,854	\$11,621	\$1,519
	61 – 180 Days	\$62,646	\$21,067	\$14,980	\$1,896
	181 – 365 Days	\$69,629	\$42,432	\$14,152	\$5,537
	>365 Days	\$77,047	\$112,611	\$17,640	\$14,872
Other Water	<61 Days	\$20,449	\$7,595	\$7,500	\$1,178
	61 – 180 Days	\$23,690	\$15,938	\$6,597	\$2,711
	181 – 365 Days	\$29,812	\$28,807	\$5,949	\$3,461
	>365 Days	\$39,525	\$55,562	\$10,504	\$7,448
Sinkhole	<61 Days	\$417,047	\$2,409	\$43,327	\$6,944
	61 – 180 Days	\$112,483	\$17,122	\$24,792	\$10,404
	181 – 365 Days	\$106,224	\$96,440	\$26,530	\$11,759
	>365 Days	\$203,533	\$181,878	\$30,122	\$17,596
Windstorm or Hailstorm (other than Hurricane)	<61 Days	\$35,474	\$10,099	\$6,675	\$985
	61 – 180 Days	\$35,116	\$16,229	\$7,342	\$2,131
	181 – 365 Days	\$54,640	\$26,704	\$8,956	\$3,124
	>365 Days	\$53,594	\$47,292	\$10,298	\$8026

### Claim Life Cycle

The life of a claim begins when a claim is reported by a policyholder to the insurer. The time it takes for an insurer to close a claim varies depending on many factors, including whether or not a claim is litigated. Across all perils, the average number of days for a claim to be reported to an insurer by the policyholder is 50 days.

## OIR Residential Property Claims and Litigation Report

Across all perils, the average number of days for insurers to close a claim is 60 days<sup>5</sup>. The following tables (Timeframe to Report a Claim and Timeframe to Close a Claim) provide data on the reported timelines of closed claims.

Timeframe to Report a Claim		
Peril	Days to Report	Claims
Accidental Discharge; Overflow of Water; Steam	<61-Days	78,506
	2 - 6 Months	3,996
	6 - 12 Months	1,359
	>12 Months	1,022
All Other Perils	<61-Days	71,409
	2 - 6 Months	6,461
	6 - 12 Months	2,258
	>12 Months	1,638
Falling Object	<61-Days	2,997
	2 - 6 Months	218
	6 - 12 Months	84
	>12 Months	59
Fire or Lightning	<61-Days	14,649
	2 - 6 Months	440
	6 - 12 Months	124
	>12 Months	73
Hurricane	<61-Days	272,283
	2 - 6 Months	10,821
	6 - 12 Months	6,018
	>12 Months	2,033
Other Water	<61-Days	72,103
	2 - 6 Months	7,165
	6 - 12 Months	2,508
	>12 Months	1,506
Sinkhole	<61-Days	244
	2 - 6 Months	42
	6 - 12 Months	21
	>12 Months	12
Windstorm or Hailstorm (other than Hurricane)	<61-Days	117,608
	2 - 6 Months	28,887
	6 - 12 Months	15,356
	>12 Months	10,413

<sup>5</sup> Prior to December 16, 2022, a claim must be paid or denied within 90 days after receipt of the claim. The passage of Senate Bill 2-A amended the 90-day requirement to 60 days.



## OIR Residential Property Claims and Litigation Report

Timeframe to Close a Claim		
Peril	Days to Close	Claims
Accidental Discharge; Overflow of Water; Steam	<61-Days	56,056
	2 - 6 Months	21,047
	6 – 12 Months	4,633
	>12 Months	3,111
All Other Perils	<61-Days	61,442
	2 - 6 Months	15,410
	6 – 12 Months	2,921
	>12 Months	1,985
Falling Object	<61-Days	2,531
	2 - 6 Months	687
	6 – 12 Months	93
	>12 Months	47
Fire or Lightning	<61-Days	11,275
	2 - 6 Months	2,791
	6 – 12 Months	764
	>12 Months	466
Hurricane	<61-Days	232,565
	2 - 6 Months	51,559
	6 – 12 Months	1,897
	>12 Months	5,134
Other Water	<61-Days	58,002
	2 - 6 Months	19,540
	6 – 12 Months	3,426
	>12 Months	2,314
Sinkhole	<61-Days	117
	2 - 6 Months	119
	6 – 12 Months	31
	>12 Months	52
Windstorm or Hailstorm (other than Hurricane)	<61-Days	132,757
	2 - 6 Months	31,312
	6 – 12 Months	5,127
	>12 Months	2,982

### Reopened Claims

A reopened claim is a claim that an insurer has previously closed but is reopened upon a policyholder's request for additional costs for loss or damage previously closed to the insurer. The table below provides data on the reported number of reopened claims by peril in 2022.

Peril	Number of Claims	Number of Claims Reopened	Percentage of Claims Reopened
<b>Accidental Discharge; Overflow of Water; Steam</b>	84,840	37,123	43.7%

## OIR Residential Property Claims and Litigation Report

---

<b>All Other Perils</b>	81,788	24,967	30.5%
<b>Falling Object</b>	3,358	945	28.1%
<b>Fire or Lightning</b>	15,287	5,143	33.6%
<b>Hurricane</b>	291,155	96,170	33.0%
<b>Other Water</b>	83,298	40,435	48.5%
<b>Sinkhole</b>	319	141	44.2%
<b>Windstorm or Hailstorm (other than Hurricane)</b>	172,295	87,838	51.0%