

TO ALL INSURERS AUTHORIZED TO WRITE PROPERTY & CASUALTY OR  
HEALTH INSURANCE IN FLORIDA

The purpose of this memorandum is to remind insurers authorized to write property & casualty or health insurance in Florida of the requirements of Section 624.128, Florida Statutes (2013), the crime victims exemption, and the Florida Crimes Compensation Act.

The Florida Office of Insurance Regulation is reminding insurers of the Florida Crimes Compensation Act (Act) and the requirement that insurers waive policy deductibles or copayments for persons determined by the Office of the Attorney General to be eligible for relief under the Act.

Section 624.128 of the Insurance Code provides:

Crime victims exemption.—Any other provision of the Florida Statutes to the contrary notwithstanding, the deductible or copayment provision of any insurance policy shall not be applicable to a person determined eligible pursuant to the Florida Crimes Compensation Act, excluding s. 960.28.

History.—s. 17, ch. 94-342. Eligibility is determined solely by the Office of the Attorney General and may not be revisited by insurance companies. Eligible insureds will receive a notice of waiver issued by the Office of the Attorney General that should be filed with their claim. Upon receipt of the notice of waiver, a company must pay for a covered loss even if the loss does not exceed the deductible or copayment provided in the policy.

The Act and the requirement in the Insurance Code for a deductible or copayment waiver may apply in certain situations where only property damage is suffered. The Act affords relief to several classes of eligible individuals, including, but not limited to, victims who suffer personal physical injury or death, as well as “elderly persons or disabled adults who suffer property loss that causes substantial diminution in their quality of life.”

Once the Office of the Attorney General has determined that an individual is eligible under the Act, that individual is exempt from the deductible or copayment provision of any insurance policy for a claim resulting from the related crime. Each insurer must have internal claims practices and procedures in place to properly adjust losses of individuals eligible under the Act.

If you have any questions regarding the contents of this memorandum, please contact Patrick Flemming, Assistant General Counsel, Florida Office of Insurance Regulation, at [Patrick.Flemming@flor.com](mailto:Patrick.Flemming@flor.com) or (850) 413-4276.