

ITEM 4.03 | CLAIMS FILES

A party is not entitled to discovery related to the claim file or the insurer's business practices regarding the handling of claims until the obligation to provide coverage and damages has been determined.¹⁶

However, the claims file may be discoverable when an insurer is sued for bad faith after any coverage dispute has been settled.¹⁷

*Trial Lawyers Section of the Florida Bar
Conference of Circuit Court Judges
Conference of County Court Judges*

Footnotes

¹⁶ *State Farm Mutual Automobile Ins. Co. v. Tranchese*, 49 So. 3d 809, 810 (Fla. 4th DCA 2010); see also *Scottsdale Ins. Co. v. Camara*, 813 So. 2d 250, 251-52 (Fla. 3d DCA 2002).

¹⁷ *Allstate Indem. Co. v. Ruiz*, 899 So. 2d 1121, 1129-30 (Fla. 2005).

