

Agenda Item No.: 3A-1

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** December 19, 2006

**Consent**       **Regular**  
 **Public Hearing**

**Department**

**Submitted By:** ADMINISTRATION

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to receive and file:** Resolution No. R1084-06 from the Miami-Dade County Board of County Commissioners urging the Florida Legislature to amend Statutes creating the Citizens Property Insurance Corporation to eliminate statutory limitations imposed on Citizens so as to allow Citizens to more broadly and fairly distribute risk throughout the State and reduce rates, and urging other affected communities to join Miami-Dade County regarding this initiative.

**Summary:** None

**Background and Justification:** N/A

**Attachments:**

Original Document

**Recommended By:** Patty Andle      12/4/06  
**Agenda Coordinator**      **Date**

**Approved By:** N/A  
**Assistant County Administrator**      **Date**

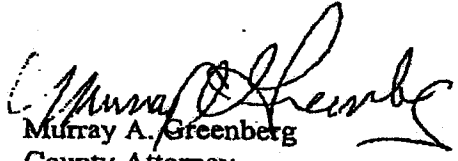


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 26, 2006

**FROM:**   
Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(9)

Please note any items checked.

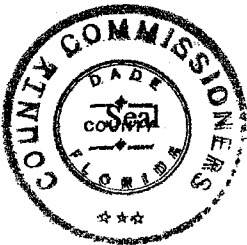
- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

STATE OF FLORIDA                    )  
  ) SS:  
COUNTY OF MIAMI-DADE            )

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Miami-Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution R-1084-06 adopted by said Board of County Commissioners at its meeting held on September 26, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 6<sup>th</sup> day of November, 2006

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida



By David C. Deaz  
Deputy Clerk

RECEIVED NOV 14 2006



**Harvey Ruvin**  
**CLERK OF THE CIRCUIT AND COUNTY COURTS**  
Miami-Dade County, Florida

**CLERK OF THE BOARD OF COUNTY COMMISSIONERS**  
**STEPHEN P. CLARK MIAMI-DADE GOVERNMENT CENTER**  
SUITE 17-202  
111 N.W. 1st Street  
Miami, FL 33128-1983  
Telephone: (305) 375-5126  
Fax: (305) 375-2484

November 6, 2006

Mr. Robert Weisman  
County Administrator  
Palm Beach County Board of County Commissioners  
The Palm Beach County Governmental Center  
301 N. Olive Avenue  
West Palm Beach, Florida 33401

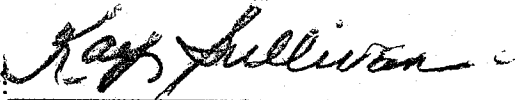
Dear Mr. Weisman:

A copy of Resolution No. R-1084-06 adopted on, September 26, 2006, is provided to you at the request of the Miami-Dade County Board of County Commissioners.

If you have any questions or need additional information, please contact our office.

Respectfully yours,

HARVEY RUVIN, Clerk  
Circuit and County Courts

By: 

Kay Sullivan, Director  
Clerk of the Board Division

KS:fd  
Attachments

Central Depository – Civil Division – Clerk of the Board – Code Enforcement – Comptroller / Auditor – County Recorder  
– Criminal Division – District Courts Division – Family Courts Division – Human Resources / Administrative Services –  
Juvenile Division – Marriage License – Parking Violations – Records / Archives Management – Technical Services  
Division – Traffic Division – V.A.B.

Clerk's web address: [www.miami-dadeclerk.com](http://www.miami-dadeclerk.com)

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 14(A)(9)

09-26-06

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA**

RESOLUTION NO. R-1084-06

**RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND STATUTES CREATING THE CITIZENS PROPERTY INSURANCE CORPORATION TO ELIMINATE STATUTORY LIMITATIONS IMPOSED ON CITIZENS SO AS TO ALLOW CITIZENS TO MORE BROADLY AND FAIRLY DISTRIBUTE RISK THROUGHOUT THE STATE AND REDUCE RATES, AND URGING OTHER AFFECTED COMMUNITIES TO JOIN MIAMI-DADE COUNTY REGARDING THIS INITIATIVE**

**WHEREAS**, in 1993, the Florida Legislature created the Florida Hurricane Catastrophe Fund, and also enacted the Florida Windstorm Underwriting Association ("FWUA") as an association of private insurers to provide hurricane and windstorm insurance to Florida residents who cannot obtain coverage from another insurer; and

**WHEREAS**, in 2002, the Florida Legislature created the Citizens Property Insurance Corporation ("Citizens"); and

**WHEREAS**, all of the assets and liabilities of FWUA have been transferred to Citizens; and

**WHEREAS**, in Miami-Dade County, Citizens is statutorily limited to writing windstorm policies only for properties located east of I-95 in north and central Miami-Dade County and east of U.S. Highway 1 in south Miami-Dade County; and

**WHEREAS**, the arbitrary windstorm insurance coverage line which runs along U.S. Highway 1 and I-95 is not the product of scientific analysis; and

**WHEREAS**, the continued existence of this arbitrary line will inordinately burden those property owners east of the line, despite the fact that hurricanes affect all Floridians; and

**WHEREAS**, as a result of recent hurricanes, all properties east of this arbitrary line face a forty to fifty percent increase in their insurance premiums; and

**WHEREAS**, the elimination of this arbitrary and unscientific line, which has outlived its usefulness, would benefit all of Florida, by creating a larger pool of insured persons, and promoting greater stability, security and protection for all of Florida; and

**WHEREAS**, Citizens is also statutorily required to charge rates higher than any other insurance company in the market and only insure properties that no other insurer will insure; and

**WHEREAS**, requiring Citizens to charge the highest rates in the state and allowing Citizens only to insure properties that no other insurer will insure prevents Citizens from spreading the risk of loss among a wide range of properties thus limiting Citizens to only those properties that have the highest risk; and

**WHEREAS**, these arbitrarily limitations cause Citizens to insure only the most high-risk properties and prevent Citizens from spreading its risk among inland and other lower-risk properties as private insurance companies do; and

**WHEREAS**, if the state is going to participate in the property insurance market through Citizens, it should not be limited to only the most high-risk properties in an effort to curb increases in premiums; and

**WHEREAS**, it is the people of Florida who are currently subsidizing the profitable insurance industry by issuing insurance policies on only the highest risk claims through Citizens; and

**WHEREAS**, there were 27 tropical events during the 2005 hurricane season, including Hurricanes Katrina, Rita and Wilma; and

**WHEREAS**, weather experts predict that the hurricane cycle over the next 20 years will consist of stronger and more frequent hurricanes and tropical storms; and

WHEREAS, based upon the foregoing, the insurance industry will likely be increasing windstorm premiums for all Floridians and many insurance companies may leave the market;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

**Section 1.** The Legislature is urged to amend statutes creating the Citizens Property Insurance Corporation during the 2007 regular session or any special session in 2006 or 2007 to eliminate statutory limitations on Citizens, such as the restriction that Citizens only write policies east of an arbitrary line running down I-95 in north and central Miami-Dade County and U.S. 1 in south Miami-Dade County; the requirement that Citizens charge higher premiums than any property insurer; and the requirement that Citizens only insure properties that no private insurance company will insure, so as to allow Citizens to more broadly and fairly distribute risk and in turn reduce insurance premiums.

**Section 2.** The County urges Broward County, Palm Beach County and all other affected communities within Florida to support Miami-Dade County's efforts to lobby the Florida Legislature to remove the arbitrary line relied upon by Citizens Property Insurance Corporation.

**Section 3.** The Clerk of the Board shall transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation. The County's state lobbyists shall advocate for the passage of the legislation set forth in Section 1 above, and the Office of Intergovernmental Affairs is directed to include this item in the 2006-2007 State Legislative Package. A copy of this resolution shall also be provided to the appropriate County officials from Broward County, Palm Beach County and all other affected communities.

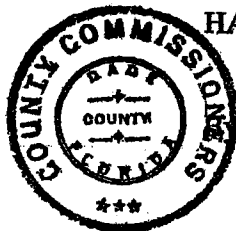
The foregoing resolution was sponsored by Commissioner Katy Sorenson, Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman and Commissioner Dennis C. Moss and offered by Commissioner Dennis C. Moss who moved its adoption. The motion was seconded by Commissioner Audrey M. Edmonson and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye	
	Dennis C. Moss, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Jose "Pepe" Diaz	absent
Audrey M. Edmonson	aye	Carlos A. Gimenez	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Dorin D. Rolle	absent	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairman thereupon declared the resolution duly passed and adopted this 26<sup>th</sup> day of September, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



**KAY SULLIVAN**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "JMM".

Jess M. McCarty

**MEMORANDUM**

Agenda Item No. 14(A)(9)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

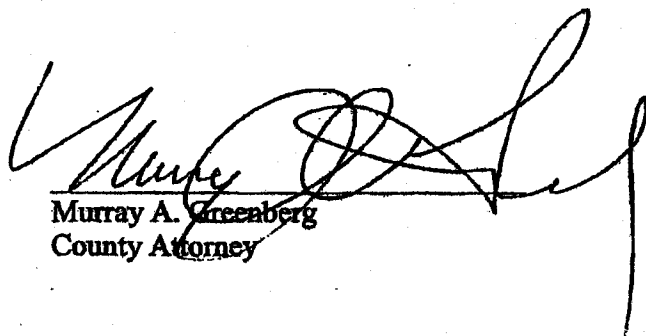
**DATE:** September 26, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution urging Florida  
legislature to amend statutes  
that created the Citizens  
Property Insurance Corp.

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson, Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman and Commissioner Dennis C. Moss.



Murray A. Greenberg  
County Attorney

MAG/bw