

# MEMORANDUM

Agenda Item No. 11(A)(18)


**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 8, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to enact SB 708, HB 759, or similar legislation that would establish a claims bill of rights for residential property insurance policyholders, allow mediators to be investigated for alleged improper conduct, and prohibit a claim for residential property insurance from being denied based on certain credit information

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp




# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(18)

Veto \_\_\_\_\_

4-8-14

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 708, HB 759, OR SIMILAR LEGISLATION THAT WOULD ESTABLISH A CLAIMS BILL OF RIGHTS FOR RESIDENTIAL PROPERTY INSURANCE POLICYHOLDERS, ALLOW MEDIATORS TO BE INVESTIGATED FOR ALLEGED IMPROPER CONDUCT, AND PROHIBIT A CLAIM FOR RESIDENTIAL PROPERTY INSURANCE FROM BEING DENIED BASED ON CERTAIN CREDIT INFORMATION

**WHEREAS**, in recent years, consumers have become increasingly overwhelmed, frustrated and confused by the insurance claim-filing process in Florida; and

**WHEREAS**, many Floridians in the midst of a stressful situation involving a damaged or lost home find themselves with questions about what to do, who to call, what to expect, and when their maintenance and financial problems may finally be resolved; and

**WHEREAS**, efforts should be made to simplify the claims-filing process, alleviate the stress it creates, and better inform policyholders of their rights under Florida law; and

**WHEREAS**, Senate Bill (SB) 708 has been filed for consideration during the 2014 session of the Florida Legislature by Senator Aaron Bean (R-Jacksonville); and

**WHEREAS**, the House Companion Bill to SB 708, HB 759, was also filed for consideration during the 2014 session, by Representative George Moraitis (R-Fort Lauderdale); and

**WHEREAS**, SB 708 and HB 759 would:

(1) add mediators and neutral evaluators to the list of individuals or entities that the Department of Financial Services or the Office of Insurance Regulation may investigate for alleged improper conduct;

(2) prohibit insurers from denying claims or canceling an insurance policy or contract based on credit information available in the public record if the insurance policy or contract has been in effect for more than 90 days;

(3) create a "Homeowner Claim Bill of Rights" describing some of the rights held by insurance policyholders, and require the insurer to provide a copy to the policyholder within 14 days of a claim; and

**WHEREAS**, this Board would like to express its support for the enactment of SB 708, HB 759, or similar legislation that would establish a Claims Bill of Rights for residential property insurance policyholders, allow mediators to be investigated for alleged improper conduct, and prohibit a claim for residential property insurance from being denied based on certain credit information,

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

**Section 1.** Urges the Florida Legislature to enact SB 708, HB 759, or similar legislation that would establish a Claims Bill of Rights for residential property insurance policyholders, allow mediators to be investigated for alleged improper conduct, and prohibit a claim for residential property insurance from being denied based on certain credit information.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Aaron Bean, Representative George Moraitis, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate the passage of the legislation identified in Section 1 above, and authorizes and directs the Office of

Intergovernmental Affairs to amend the 2014 state legislative package previously approved by the Board to include this item.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of April, 2014. 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

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MJM

Michael J. Mastrucci

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