

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1320.01**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA OBJECTING TO THE RECENT WINDSTORM INSURANCE RATE INCREASE BY THE FLORIDA WINDSTORM UNDERWRITING ASSOCIATION (FWUA); URGING THE GOVERNOR OF FLORIDA AND THE FLORIDA LEGISLATURE TO CONVENE A SPECIAL SESSION OF THE FLORIDA WINDSTORM UNDERWRITING ASSOCIATION PANEL RESPONSIBLE FOR APPROVING THE RATE INCREASE; AND DIRECTING THE TOWN CLERK TO FORWARD A COPY OF THIS RESOLUTION TO THE GOVERNOR AND EACH MEMBER OF THE FLORIDA LEGISLATURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the property owners of the State of Florida, particularly those in South Florida including the Town of Golden Beach, face yearly threats of hurricane and tropical storm damage to their homes and property; and

**WHEREAS**, the Florida Windstorm Underwriting Association (FWUA) is a state-created insurer of last resort for windstorm coverage; and

**WHEREAS**, over 450,000 residents of Florida are in the FWUA windstorm pool, of which 65 percent live in Miami-Dade, Broward and Palm Beach Counties; and

**WHEREAS**, the FWUA has recently raised its windstorm rates as much as 268 percent in some communities and many homeowners are facing rate increases as much as \$100-\$200 per month; and

**WHEREAS**, Florida Insurance Commissioner Bill Nelson rejected the request for the rate increase last year, but was overruled by a 2-1 vote of an arbitration panel; and

**WHEREAS**, Commissioner Nelson filed a lawsuit to prevent the increase but that effort and subsequent appear ended unsuccessfully in June; and

**WHEREAS**, the drastic rate increase is so great as to force some homeowners out of their homes; and

**WHEREAS**, the South Florida community has formed a grassroots effort to fight the rate increase; and

**WHEREAS**, recent administrative and legislative actions have resulted in astronomical increases in insurance rates and diminished coverage for property owners throughout the state, including those in the Town of Golden Beach; and

**WHEREAS**, the Town of Golden Beach wishes to lend its support to a Citizens' Initiative to amend the Florida Constitution to require the State to provide affordable and adequate windstorm insurance for all Florida property owners,

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** That the Town Council hereby expresses strong objection to the economically devastating windstorm insurance rate increase, and further urges the Governor of Florida and the Florida Legislature to convene a Special Legislative Session to address the approved rate increase and the reduction in coverage, as well as the structure and authority of the Florida Windstorm Underwriting Association panel responsible for these changes. The Town Council further directs the Town Clerk to forward a copy of the resolution to the Governor and each member of the Florida Legislature.

**Section 2.** That the Town Council hereby authorizes the Town Manager and Town Attorney to provide all reasonable assistance in the process of a Citizens' Initiative petition to amend the Florida Constitution in such a way as to require the Department of Insurance to provide affordable and adequate windstorm coverage to all Florida property owners.

**Section 3.** That the Town Clerk is directed to provide copies of this resolution to the Miami-Dade League of Cities, the Florida League of Cities and to the Mayors of all Miami-Dade, Broward and Monroe County municipalities.

**Section 4. Severability.** That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 5. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

**Sponsored by Councilmember Einstein**

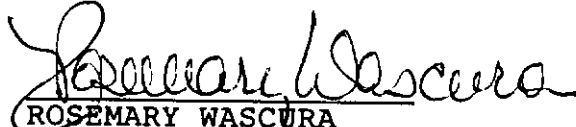
The Motion to adopt the foregoing resolution was offered by Councilmember Paruas seconded by Mayor Addicott and on roll call the following vote ensued:

Mayor Addicott:	<u>AYE</u>
Vice Mayor Singer	<u>AYE</u>
Councilmember Einstein	<u>AYE</u>
Councilmember Feinman	<u>AYE</u>
Councilmember Paruas	<u>AYE</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 17th day of April, 2001.

  
MAYOR MICHAEL ADDICOTT

ATTEST:

  
ROSEMARY WASCURA  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
EDWARD PAUL KREILING  
TOWN ATTORNEY