

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1765.06**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ENDORSING RESOLUTION NO. 05-102 OF THE VILLAGE OF PALMETTO BAY (THE "VILLAGE"); PROVIDING FOR IMPLEMENTATION; DIRECTING THE TOWN CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO GOVERNOR JEB BUSH, SENATE PRESIDENT TOM LEE, HOUSE SPEAKER ALLAN BENSE AND MEMBERS OF THE FLORIDA LEGISLATURE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 627.351(2), Florida Statutes, the Florida Windstorm Underwriting Association (the "FWUA"), an association of private insurers, was established for the purpose of providing windstorm insurance to Florida residents who could not obtain an offer for coverage through other insurers; and

**WHEREAS**, the Village of Palmetto Bay (the "Village") has adopted Resolution No. 05-102 seeking the support of all neighboring communities in Miami-Dade, Broward and Palm Beach County to support the Village's effort to lobby the Florida Legislature for the purpose of amending the FWUA legislation to amend the "arbitrary windstorm line"; and

**WHEREAS**, as a neighboring community, the Town Council finds that support of Village Resolution No. 05-102 is in the best interest of the Town.

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

**Section 1.    Recitals Adopted.**    That each of the recitals stated above is hereby adopted and confirmed.

**Section 2.**    That the Town Council of the Town of Golden Beach, Florida, hereby endorses Resolution No. 05-102 of the Village of Palmetto Bay (the "Village"), attached and

incorporated herein.

**Section 3. Implementation.** That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

**Section 4. Transmittal.** That the Town Clerk is directed to transmit a certified copy of this Resolution to Governor Jeb Bush, Senate President Tom Lee, House Speaker Allan Bense and members of the Florida Legislature.

**Section 5. Effective Date.** That this Resolution shall take effect immediately upon its adoption.

Sponsored by **Mayor Singer.**

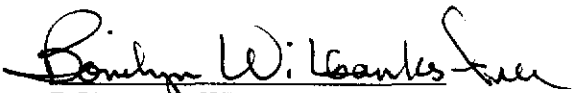
The Motion to adopt the foregoing Resolution was offered by Councilmember Iglesias, seconded by Councilmember Lusskin and on roll call the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Einstein	<u>Aye</u>
Councilmember Colella-Battista	<u>Aye</u>
Councilmember Iglesias	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>

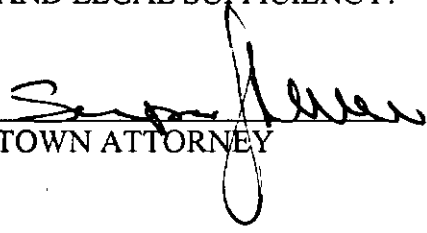
PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 2<sup>nd</sup> day of March, 2006.

ATTEST:

  
\_\_\_\_\_  
MAYOR GLENN SINGER

  
BONILYN WILBANKS-FREE  
TOWN MANAGER

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



TOWN ATTORNEY

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RESOLUTION NO. 05-102

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING THE FLORIDA LEGISLATURE TO AMEND THE FWUA LEGISLATION TO AMEND THE ARBITRARY WINDSTORM "LINE" OF EAST OF U.S. HIGHWAY 1 AND EAST OF I-95 SO AS TO FAIRLY DISTRIBUTE RISK THROUGHOUT THE STATE; AND SEEKING SUPPORT FROM ALL NEIGHBORING COMMUNITIES WITH THIS INITIATIVE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Florida Legislature in November 1993 created the Florida Hurricane Catastrophe Fund, under section 215.555, Florida Statutes, and also enacted the FWUA is an association of private insurers, under section 627.351(2), Florida Statutes, to provide hurricane and windstorm insurance to Florida residents who could not obtain an offer for coverage from another insurer; and

WHEREAS, the FWUA (Citizens Insurance) is the only available source of hurricane and windstorm insurance for thousands of residential property owners in Florida, for all residents East of US 1 and I-95, and provides windstorm insurance coverage for all properties east of this line, including the residents of the Village of Palmetto Bay, who are not able to obtain an offer of coverage in the voluntary market; and

WHEREAS, there have been 27 tropical events during the 2005 hurricane season, including, but not limited to Hurricanes Katrina, Rita and Wilma; and,

WHEREAS, weather experts predict that the future hurricane cycle for the upcoming 20 years shall consist of higher strength and more frequent hurricane and tropic storm activities, as compared to the past 20-30 year cycle; and,

WHEREAS, based upon the foregoing, the insurance industry shall be increasing windstorm premiums for all Florida residents, and many insurance companies may be leaving the market; and,

WHEREAS, the FWUA arbitrary "windstorm insurance coverage line" requires a higher insurance premium, through Citizens Property Insurance, for all those properties east of the artificial line; and,

WHEREAS, continued existence of this arbitrary imaginary line, with no basis in science, which was created as a political compromise by the Florida Legislature and Florida Insurance Commissioner as part of the FWUA, shall inordinately burden those property owners east of the line, despite the fact that hurricanes affect all of Florida; and,

1 WHEREAS, due to the devastation from the past two years' of hurricane events that  
2 affected Florida, all properties east of this arbitrary line face a 40 to 50 percent increase in their  
3 insurance premiums; and,  
4

5 WHEREAS, in addition, due to the FWUA, all those properties West of the arbitrary line  
6 also shall have to pay a premium under the FWUA to help the state overcome the costs  
7 associated with the past few hurricane events, however the premium shall not be as costly for  
8 those West of the arbitrary line; and,  
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10 WHEREAS, the elimination of the artificial and unscientific line would benefit all of  
11 Florida, as the line has outlived its usefulness; as elimination of the line would create a greater  
12 pool of insured persons; and ensure greater stability, security and protection for all of Florida.  
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14 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
15 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
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17 Section 1. The above whereas clauses are incorporated by reference.  
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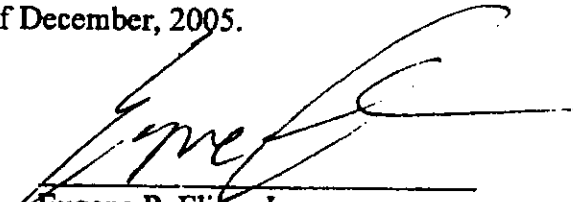
19 Section 2. The village council seeks the support of all neighboring communities in  
20 Miami-Dade County, Broward County, Palm Beach County and all other affected communities  
21 within Florida to support the village's efforts to lobby the Florida Legislature to remove the  
22 arbitrary line under the FWUA legislation so that the interests of all Florida residents are further  
23 protected and ensure that all residents can obtain affordable hurricane property damage insurance  
24 by creating a larger pool of insured persons, and provide greater stability, security and protection  
25 for all Florida property owners.  
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27 Section 3. This resolution shall take effect immediately upon approval.  
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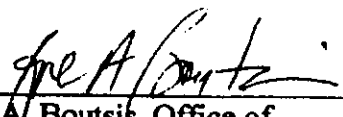
29 PASSED and ADOPTED this 5 day of December, 2005.  
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31 Attest:

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33 Meighan Pier  
34 Village Clerk

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36 Eugene P. Flinn, Jr.  
37 Mayor

38 APPROVED AS TO FORM:  
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41 Eve A. Boutsis, Office of  
42 Village Attorney

1	FINAL VOTE AT ADOPTION:	
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3	Council Member Ed Feller	<u>YES</u>
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5	Council Member Paul Neidhart	<u>YES</u>
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7	Council Member John Breder	<u>YES</u>
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9	Vice-Mayor Linda Robinson	<u>YES</u>
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11	Mayor Eugene P. Flinn, Jr.	<u>YES</u>