

IN THE SUPREME COURT OF FLORIDA

CITIZENS PROPERTY INSURANCE
CORPORATION, a Florida Government
Entity,

Case No.: SC19-1394
L.T. Case No: 5D17-2841

Petitioner,

v.

MANOR HOUSE, LLC, OCEAN VIEW, LLC,
and MERITT, LLC,

Respondents.

**AMENDED MOTION FOR LEAVE TO APPEAR AS AMICI CURIAE, and
FILE AN AMICI CURIAE BRIEF IN SUPPORT OF APPELLANT**

Pursuant to Fla. R. App. P. 9.370(a), the Florida Insurance Council (FIC), the Personal Insurance Federation of Florida (PIFF), American Property Casualty Insurance Association (APCIA), and National Association of Mutual Insurance Companies (NAMIC), collectively referred to as Amici, file this Motion to Appear and File an Amici Curiae Brief in Support of Appellant/Petitioner, Citizen Property Insurance Corporation’s (“Citizens”) position before the Court. The proposed Amici seek permission to appear as amici curiae in order to file a brief addressing how the instant case may affect Florida’s policyholders and insurance industry, beyond the facts presented in this case. Specifically, the proposed Amici set out their specific

RECEIVED, 12/30/2019 01:58:49 PM, Clerk, Supreme Court

identity and provide their collective substantial interest in the instant case, and how the Amici can help the Court. The Amici state the following:

1. The Florida Insurance Council's ("Council") "mission is to provide value through education, research, and representation before consumer, legislative, regulatory, and judiciary organizations. The Council is dedicated to the highest standards of business ethics and professionalism; committed to promoting and protecting the viability of the insurance market; resolved to earn consumer confidence and trust, and determined to foster a positive public image of the insurance community." Fla. Ins. Council, <http://flains.org/about-us.html> (last visited Dec. 20, 2019). The Council, established in 1962, is a trade association representing 34 insurer-groups, consisting of 318 companies, which write over \$38 billion a year in premium volume and provide all lines of coverage. *Id.* Council members hold more than 90 percent of the market share in residential and private passenger automobile coverage. *Id.* Further, in the past, the Council filed amicus curiae briefs on important issues concerning the insurance sector. See Sebo v. American Home Assurance Co., Inc., 208 So.3d 694 (Fla. 2016)(addressing whether concurrent-causation doctrine, not efficient-proximate-cause theory applied when determining causation of insured's loss); Westphal v. City of St. Petersburg, 194 So.3d 311 (Fla. 2016)(addressing workers' compensation attorneys' fees issue); and Restoration 1 of Port St. Lucie v. Ark Royal Ins. Co., 2019 WL 3403438 (Fla. 2019)(addressing

whether an insurer may require all insureds on a policy to execute an assignment of benefits before that assignment is considered valid and enforceable).

2. The Personal Insurance Federation of Florida, Inc. (PIFF), is a leading voice for the personal lines property and casualty insurance industry in Florida. PIFF represents national insurance carriers and their subsidiaries, including many of the state's top writers of private passenger auto and homeowners multi-peril insurance. PIFF advocates for a healthy and competitive insurance marketplace for the benefit of Florida consumers. PIFF has worked with the legislative and executive branches of government, as well as state regulators, the business community and consumer groups "to make Florida a better place in which to insure a vehicle or home." Pers. Ins. Fed. of Fla., <http://piff.net/about-piff/> (last visited Dec. 20, 2019).

3. American Property Casualty Insurance Association ("APCIA") is the preeminent national trade association representing property and casualty insurers doing business in Florida, nationwide, and globally. APCIA's members, which range from small companies to the largest insurers with global operations, represent nearly 60% of the U.S. property and casualty marketplace. APCIA, <http://www.pciaa.net/pciwebsite/cms/content/viewpage?sitePageId=55493> (last visited Dec. 20, 2019). APCIA advocates sound public policies on behalf of its members in legislative and regulatory forums at the state and federal levels and files amicus curiae briefs in significant cases before federal and state courts. This allows

APCIA to share its broad national perspectives on matters that shape and develop the law. APCIA's interests are in the clear, consistent, and reasoned development of law that affects its members and the policyholders they insure.

4. NAMIC membership includes more than 1,400 member companies. The association supports regional and local mutual insurance companies on main streets across America and many of the country's largest national insurers. NAMIC member companies write \$268 billion in annual premiums. Its members account for 59 percent of homeowners, 46 percent of automobile, and 29 percent of the business insurance markets. Through its advocacy programs it promotes public policy solutions that benefit NAMIC member companies and the policyholders they serve and fosters greater understanding and recognition of the unique alignment of interests between management and policyholders of mutual companies. NAMIC, <https://www.namic.org/> (last visited Dec. 20, 2019).

5. The Amici, collectively, have extensive knowledge concerning insurance policies, underwriting and the process by which an insured party may seek extra-contractual damages through the bad faith process outlined in § 624.155, Fla. Stat. (2019). The Amici, collectively have additional knowledge regarding the likely pitfalls and harm to not only the insurance industry, but individual insureds in the state of Florida, that would come from expanding the scope of a first party insured's

ability to seek extra-contractual damages outside of the clearly defined process created by the Legislature in § 624.155, Fla. Stat. (2019).

6. If the Court were to answer the 5th District's certified question in the affirmative, it would result in higher claims adjusting costs, and ultimately higher premiums charged to insureds.

7. The Amici, collectively, request leave of Court to file an amicus brief in support of Citizens to address the implications for the insurance industry, and the insurance market in Florida, as a whole.

8. On December 20, 2019, the undersigned requested the parties advise whether they consent or oppose the Amici appearing in this case. Counsel for Petitioner and Respondent have responded that they do not object to the Amici appearing in the instant case.

Respectfully submitted this 30th day of December, 2019.

/S/THOMAS P. CRAPPS
Thomas P. Crapps
FBN 0878928
tom@meenanlawfirm.com
Kirsten Matthis
FBN 41562
kirsten@meenanlawfirm.com
Meenan P.A.
300 S. Duval Street, Suite 410
Tallahassee, Florida 32301
Tel (850) 425-4000
Fax (850) 425-4001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the parties listed below via electronic mail and filed with the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1) on December 30, 2019:

Christopher Mammel, Esq.
Merlin Law Group, P.A.
222 Lakeview Ave., Suite 1250
West Palm Beach, FL 33401
cmammel@merlinlawgroup.com

Mark A. Boyle, Esq.
Alexander Brockmeyer, Esq.
Boyle, Leonard & Anderson, P.A.
2050 McGregor Boulevard
Ft. Myers, FL33901
Mboyle@Insurance-Counsel.com
ABrockmeyer@Insurance-Counsel.com
Eservice@Insurance-Counsel.com
Esarver@Insurance-Counsel.com

J. Pablo Caceres, Esq.
Butler, Weihmuller, Katz, Craig, LLP
400 N. Ashley Drive, Suite 2300
Tampa, FL 33602-4305
pcaceres@butler.legal
eservice@butler.legal

Raoul Cantero, Esq.
White & Case, LLP
200 South Biscayne Blvd.
Suite 4900
Miami, FL 33131
Raoul.Cantero@whitecase.com

Kara Berard Rockenbach, Esq.
Link & Rockenbach, P.A.
1555 Palm Beach Lakes Blvd.
Suite 301
West Palm Beach, FL 33401
kara@linkrocklaw.com
david@linkrocklaw.com
tryo@linkrocklaw.com

Kansas R. Gooden, Esq.
FDLA
11767 S. Dixie Hwy
#274
Miami, FL 33156
kgooden@boydjen.com

Derek Angell, Esq.
O'Conner & O'Conner, LLC
800 N. Magnolia Ave.
Suite 1350
Orlando, FL 32803
dangell@oconlaw.com

/S/THOMAS P. CRAPPS