

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

MARTIN A ALVAREZ

Plaintiff(s),

vs.

CITIZENS PROPERTY INSURANCE
CORPORATION

Defendant.

Case No. 25-CA-006626

**ORDER GRANTING PLAINTIFF'S
EMERGENCY PETITION FOR TEMPORARY INJUNCTION**

THIS CAUSE came on to be heard on July 30, 2025, upon "Plaintiff's Emergency Motion for Temporary Injunction" ("Motion"). The Court having reviewed the motion, considered the argument of counsel, and being otherwise fully advised in the premises, hereby finds as follows:

1. Plaintiff has demonstrated a substantial likelihood of success on the merits of his constitutional claims, including alleged violations of the Due Process and Equal Protection Clauses of the Fourteenth Amendment.
2. Plaintiff has further demonstrated a substantial likelihood of success on the merits of his claims under Section 21 of the Declaration of Rights of the Florida Constitution, relating to access to courts.
3. Plaintiff also established that he and similarly situated Citizens policyholders will suffer irreparable harm absent injunctive relief. Specifically, enforcement of the arbitration clause at issue compels insureds into a forum that lacks neutrality, discovery, motion practice, and meaningful judicial review.
4. The balance of equities favors Plaintiff, as the protection of constitutional rights outweighs any administrative or operational burden to the Defendant.
5. The public interest is best served by ensuring access to the judiciary, halting enforcement of the statute and provisions that erode constitutional protections, and preventing the continued prosecution of cases currently entangled in the Defendant's constitutionally infirm administrative process.

Accordingly, it is hereby ORDERED AND ADJUDGED:

1. Plaintiffs Motion is GRANTED.
2. Defendant CITIZENS PROPERTY INSURANCE CORPORATION is hereby ENJOINED from enforcing the mandatory arbitration clause contained in the insurance policy issued to Plaintiff, Martin A. Alvarez.
3. Defendant is further ENJOINED from enforcing the same or any substantially similar arbitration clause against any other current or future Citizens policyholder in the State of Florida pending resolution of this action.
4. All pending actions currently before the Division of Arbitration Hearings are hereby STAYED pending the resolution of the constitutional questions relating to Fla. Stat. §627.351(6)(II) and the arbitration clauses contained in the current Citizens' policies statewide.
5. Defendant is ORDERED to refrain from any action that would interfere with Plaintiff's or any other individual's ability to pursue judicial relief in this Court.
6. The Court finds good cause to waive the bond requirement pursuant to Fla. R. Civ. P. 1.610(b).

DONE AND ORDERED in Chambers in Hillsborough County, Florida this ____ day of _____, 2025.

25-CA-006626 8/1/2025 11:08:05 AM

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Judge Melissa Polo

HON. MELISSA MARY POLO