

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO:
SECTION:
JUDGE:

IDELMIS MARTINEZ and JESUS MARTINEZ,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

CLASS REPRESENTATION

CITIZENS PROPERTY INSURANCE
CORPORATION,

Defendant.

CLASS ACTION COMPLAINT FOR DECLARATORY RELIEF

Plaintiffs, Idelmis Martinez and Jesus Martinez (collectively, “Plaintiffs”), on behalf of themselves and all others similarly situated in the State of Florida, sue Defendant, Citizens Property Insurance Corporation (“Citizens”), and in support, state as follows:

INTRODUCTION

1. This is a class action seeking declaratory relief on behalf of Citizens policyholders across Florida who were subjected to arbitration awards entered under the unconstitutional statutory scheme that forced disputes into the Division of Administrative Hearings (“DOAH”). In *Alvarez v. Citizens*, the Thirteenth Judicial Circuit held that the DOAH endorsement was unconstitutional because it deprived Citizens’ policyholders of access to courts, due process, and other fundamental protections. *Alvarez v. Citizens*, Case No. 25-CA-006626 (Fla. 13th Cir. Ct. Aug. 1, 2025), attached as **Exhibit A**. Despite that ruling, numerous policyholders, including Plaintiffs, had already received arbitration awards under the unconstitutional DOAH framework.

These awards cannot stand as valid determinations of rights and obligations, and Plaintiffs seek a declaration that such awards are void, thereby restoring policyholders' ability to pursue their claims in circuit court.

JURISDICTION, PARTIES, AND VENUE

2. This Court has jurisdiction under Article V of the Florida Constitution and Chapter 86, Florida Statutes, which authorize courts to declare rights, status, and legal relations.

3. This Court has personal jurisdiction over Citizens because Citizens is a state-created insurer authorized to transact business throughout Florida, issues policies statewide, including to Plaintiffs, and committed the acts giving rise to this action in this state.

4. Venue is proper in Miami-Dade County, Florida, because the cause of action upon which these allegations are based accrued in Miami-Dade County, Florida, and the property at issue is located in Miami-Dade County, Florida.

5. Plaintiffs are residents of Miami-Dade County, Florida, and are otherwise sui juris. They were insured by Citizens and compelled into DOAH proceedings.

6. Citizens is a state-created entity headquartered in Florida and subject to suit in this Court.

7. At all times material hereto, Plaintiffs are the owners of the property located at 6816 West Second Lane, Hialeah, FL 33014 (the "Property").

GENERAL FACTUAL BACKGROUND

8. Citizens is the insurer of last resort in Florida, created under section 627.351, Florida Statutes, and insures hundreds of thousands of homeowners statewide.

9. In 2023, the Florida Legislature amended Citizens' enabling statute, permitting Citizens to insert a mandatory endorsement into its policies requiring coverage disputes to be referred to DOAH pursuant to section 627.351(6)(II), Florida Statutes.

10. Unlike private arbitration agreements, Citizens' endorsement was mandatory, not bargained-for, and imposed through adhesion contracts without reduction in premiums.

11. Citizens systematically invoked DOAH against its insureds, forcing policyholders into an administrative forum that lacked meaningful discovery, motion practice, or judicial review.

12. In *Alvarez v. Citizens*, Judge Melissa Polo of the Thirteenth Judicial Circuit entered an Emergency Temporary Injunction and subsequent orders holding the DOAH endorsement unconstitutional, finding it stripped Citizens' insureds of constitutional rights, including access to courts under Article I, § 21 of the Florida Constitution. *See Exhibit A.*

13. Despite these rulings, numerous policyholders, including Plaintiffs, had already received arbitration awards entered against them under the unconstitutional DOAH process. These awards were not the product of neutral judicial proceedings but of an unconstitutional statutory framework that coerced policyholders into an unfair forum lacking basic procedural protections.

14. Awards entered under such an unconstitutional process cannot stand as valid determinations of policyholders' rights and obligations and are void.

15. Plaintiffs and the Class are in doubt as to their rights and status following the issuance of these arbitration awards. A declaration from this Court is necessary to determine whether such awards have any legal effect or whether policyholders retain the right to pursue their claims in circuit court.

CLASS REPRESENTATIVE FACTUAL BACKGROUND

16. At all times material hereto, the Property was insured under a policy of insurance issued by Citizens to Plaintiffs, specifically, policy number 01226165. Said policy is incorporated herein in its entirety pursuant to Fla. R. Civ. P. 1.130; further, Citizens has a copy of said policy in its possession.

17. At all times material hereto, the policy of insurance was in full force and effect.

18. The policy of insurance provides, in pertinent part, that Citizens provide coverage for property damage, including contents, rendered to the Property that is the result of an accident, whether natural in cause or not, and the policy is required to comply with the provisions of Florida law.

19. On or about June 7, 2024, the Property sustained damage as a result of a windstorm. Plaintiffs timely notified Citizens of the loss and otherwise complied with all policy conditions.

20. Plaintiffs gave timely notice to Citizens of such loss and did thereafter deliver to Citizens a full account of their damages.

21. Citizens assigned claim number 001-00-498437 to identify the loss.

22. Citizens denied coverage.

23. On or about September 23, 2024, Citizens invoked the DOAH endorsement and demanded that the dispute be resolved in an arbitration proceeding before an administrative law judge in Tallahassee.

24. The arbitration hearing was conducted on January 17, 2025, before Administrative Law Judge William D. Horgan, and on February 24, 2025, DOAH entered a Final

Arbitration Award in favor of Citizens, determining that Plaintiffs' claim was not covered under the policy.

25. The award against Plaintiffs was issued under the unconstitutional DOAH framework later struck down in *Alvarez v. Citizens*, Case No. 25-CA-006626 (Fla. 13th Cir. Ct. Aug. 1, 2025).

CLASS DEFINITION

26. Plaintiffs bring this action under Fla. R. Civ. P. 1.220(b)(2) on behalf of a class defined as:

All Florida Citizens policyholders who, from 2023 to present, were subject to DOAH proceedings initiated by Citizens and against whom an arbitration award was entered.

Excluded from the Class are Defendant, its officers and directors, and any judicial officers assigned to this case.

CLASS REPRESENTATION ALLEGATIONS

27. **Numerosity:** The Class consists of hundreds, if not thousands, of Citizens insureds statewide who were subjected to DOAH arbitration proceedings and had awards entered against them, making joinder impracticable.

28. **Commonality:**

a. Common Legal Questions:

- i. Whether the arbitration awards entered by DOAH are enforceable; and
- ii. whether policyholders retain the right to pursue their claims in circuit court notwithstanding such awards.

b. Common Factual Questions:

- i. Whether Citizens initiated DOAH proceedings; and
- ii. Whether arbitration awards were entered in DOAH proceedings.

29. **Typicality:** Plaintiffs' claims are typical of the Class because they, like all Class members, were forced into DOAH arbitration and subjected to an unconstitutional process that resulted in an arbitration award.

30. **Adequacy Of Representation:** Plaintiffs will fairly and adequately protect the interests of the Class. Plaintiffs have no interests antagonistic to those of the Class Members in the Class and seek relief for the same injuries arising from the same alleged conduct. Plaintiffs are committed to vigorously prosecuting this action on behalf of the Class and have retained counsel experienced in complex civil and class action litigation, including successfully certifying classes in similar matters. Plaintiffs and their counsel are prepared to devote the resources necessary to represent the Class and to manage this litigation efficiently. The interests of Plaintiffs and the Class are aligned in seeking declaratory relief to remedy the alleged unlawful conduct of Citizens. Plaintiffs anticipate providing appropriate notice to the certified Class to be approved by the Court after class certification or pursuant to court order.

31. **Rule 1.220(b)(2):** Citizens has acted on grounds generally applicable to the Class by uniformly invoking DOAH arbitration and obtaining awards under the unconstitutional endorsement, warranting declaratory relief with respect to the Class as a whole.

CAUSE OF ACTION

COUNT I

DECLARATORY JUDGMENT UNDER CHAPTER 86, FLORIDA STATUTES

32. Plaintiffs re-allege and reaffirm herein all of the allegations contained in paragraphs 1 through 31.

33. This is an action brought pursuant to Chapter 86, Florida Statutes. The Court has jurisdiction to declare rights, status, and legal relations under section 86.011, Florida Statutes.

34. Plaintiffs and the Class are interested parties within the meaning of section 86.021, Florida Statutes, because their rights and status under insurance contracts issued by Citizens are directly affected by arbitration awards entered in DOAH proceedings.

35. In *Alvarez v. Citizens*, the Thirteenth Judicial Circuit held that the DOAH endorsement was unconstitutional, depriving Citizens policyholders of access to courts, due process, and other fundamental protections.

36. Despite this ruling, Plaintiffs and numerous other Citizens policyholders were previously subjected to arbitration awards entered under the unconstitutional DOAH framework.

37. An actual, present, and practical controversy exists between Plaintiffs and Defendant. Plaintiffs and the Class are in doubt as to their rights and status under these arbitration awards and require a declaration from this Court to resolve the uncertainty.

38. A declaration of rights by this Court will serve a useful purpose in clarifying and settling the legal relations at issue and will afford relief from the uncertainty and insecurity giving rise to this proceeding.

39. Plaintiffs seek a declaration of the existence or nonexistence of rights under Chapter 86, including (1) the right of Citizens to enforce arbitration awards entered under DOAH, and (2) the continuing right of policyholders to pursue their claims in circuit court notwithstanding such awards.

40. Awards entered through an unconstitutional process are unenforceable, and Plaintiffs and the Class are entitled to a declaration that such awards are void.

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Certify this action as a class action pursuant to Florida Rule of Civil Procedure 1.220;
- B. Enter a declaratory judgment that all arbitration awards entered in DOAH proceedings initiated by Citizens are void and unenforceable;

- C. Restore to all class members the right to pursue claims in Florida circuit courts;
- D. Award Plaintiffs their costs, expenses, and attorneys' fees as permitted by law; and
- E. Grant such further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiffs demand a jury trial for all triable issues.

Date: September 1, 2025.

Respectfully submitted,

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Counsel for Plaintiffs

EXHIBIT A

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

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

HON. MELISSA MARY POLO