Built Right Consultants, Inc.
General Contractors
CGC004629

07/07/2011

To Whom It May Concern,

Please consider this letter as a request to investigate whether Florida insurance carriers, including Citizens Property Corporation, are in violation of Florida Statute 627.0629 that requires all Florida insurance carriers to give premium discounts or rate differentials for construction features that reduce windstorm damage.

The original mitigation forms changed in April 2010 by the Department of Insurance from a 2-page format to a newer 4-page format that requires additional "verifiable "information and supporting photos evidencing certain criteria about the construction features. These forms were changed since many "drive-by" inspections were occurring and carriers determined that they were giving discounts that were not valid and the Department of Insurance was certainly proper in doing so.

However, the Department of Insurance has created a financial hardship on Florida's citizens when they certainly need more relief from rising insurance costs. When the DOI changed to the "Uniform Mitigation Verification Inspection Form OIR-B1-1802 (Rev. 02/10) it was an attempt to provide a Form where "one size fits all"... but It does not respond to the various engineered and approved construction methods utilized throughout the State, nor does it respond to the many different Building Code variations and interpretations. This "one size fits all" format does not protect our citizens from Insurance Carriers who use loopholes in the language to deny discounts for construction techniques that can be validated by the legal permitting process. Bottom line is that it is very obvious that they have an opposite agenda in trying to disallow the discounts than what the public's agenda is, to obtain them.

The Form 1802 has allowed the carriers to avoid any flexibility or compromise, despite the facts that these construction features are definitely present, but since they are in "non-accessible" portions of the attic, clear photos are not always available. Many photos cannot be taken in "non-accessible" areas of the attics since they have limited headroom space in low pitch or flat roof shapes, are in extremely dark areas, and in addition, it would present the additional risk of cracking an owner's ceiling when one must crawl over the trusses to get to the exterior walls to obtain the photos when they are sometimes 15'-20' away from the attic access scuttle panels. This is where the Carriers are able to reject the valuable credits that otherwise should be given. Even though these construction features are certainly present and can be validated by Building Department records, the carriers are using the format's language to their advantage and harming the ability of the public to obtain quality discounts that they are legally entitled under the intent of the Statute,

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I have addressed these issues with various insurance personnel and their responses obviously reflect an effort to not allow the discounts without any common sense negotiation. They simply state that the DOI provides the Form and they go by it, "by the letter".

For example, an area that is providing many problems is how the Roof to Wall Attachment information is treated. The Form 1802 requirements states that "Metal Straps must be secured to **every** rafter/truss..." The word "**every**" is simply not a reasonable expectation, since there is absolutely no way to verify **every** strap. If the carriers say they go "by the letter", this is a total hypocrisy of the language in the Form and it was not the intent of the State when they enacted the bill, nor is it in the best interests of its citizens. If the Carriers interpret the Form 1802 "by the letter" as they say they do, then, absolutely no one would receive a premium discount. They cannot have it both ways.

Also, the language referencing the Single Strap requirement is being interpreted incorrectly about the number of nails required for homes built prior to 2001(FBC). It states "Metal Straps must be secured to **every** rafter/truss with a minimum for 3 nails, wrapping over and securing to the opposite side of the rafter/truss with a minimum of 1 nail." This language has been interpreted to say that 4 nails are required (3 from one side + 1 wrapped over). That is not what the South Florida Building Code required prior to the FBC. Under Chapter 2306.1 fastening chart, it shows that there are 3-16d nails total (2 from one side + 1 wrapping over) **OR** 4-10d common nails. Most homes that were built from 1971-2001 (prior to the FBC) only requires a total of 3-16d nails. For homes built after the FBC (2001) then 4-16d nails are required under paragraph 2321.7 of the FBC. There have been many rejections of discounts due to improper interpretation of the requirements.

Another instance of hypocrisy is regarding the Condominium Association Buildings and for Multiple Unit Apartment situations. There is simply no way to schedule an inspection that would comply with the Form's requirements that every strap be checked or even every unit, since entry into an owner's unit can only be made in case of an emergency..., not to mention the nightmare it would be to get on-site inspections scheduled and it certainly would not be affordable for the Association and their unit owners to try and do so.

Another issue causing problems with the "one size fits all" Form is in regards to Opening Protection. The Form 1802 is too complicated and confusing when Code requirements vary differently for the various areas of the State relating to wind speed zones and whether or not you are located in the HVHZ. It makes it way too easy for the Carriers to simply deny credits.

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But by far, the largest issue I have with the rejection of the discounts by the Carriers' personnel is that they are not Construction Professionals. **If the Carriers' Underwriters have the authority to reject the paperwork, then at the very least they should be as qualified as the persons who are authorized to sign the Forms or at least, have someone on their Loss Control staff that understands the approved and accepted construction techniques and can speak the language of the Construction Industry in order to have intelligent discussions with those who dispute their accuracy.**

Thank you for consideration,

Troy Sumner CGC004629

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07/06/2011

Subject: OIR-B1-1802 Uniform Mitigation Verification Inspection Form Comments

To Whom It May Concern,

Please consider this letter as worthy input during your review and consideration of making changes to the current OIR-B1-1802 Uniform Mitigation Verification Inspection Form to better explain the language contained within it. As both a General Contractor who has performed numerous inspections and also as an Insurance Agent, I possess a distinctive insight into the problems that the language on the Form presents.

First, I want to give you my professional credentials and background to validate my points of concern. I currently possess an active State of Florida Certified General Contractor's License #CGC004629, and have done so since 1973. I also currently possess an active State of Florida General Lines Insurance Agent's License # A258059, and have done so since 1996. I believe that my experience in both of these industries qualifies me to evaluate what has become a much smaller window of opportunity for our State's citizens to receive valuable premium credits from which they are legally entitled to under Florida Statute 627.0629.

In my opinion, the insurance carriers are using loopholes in the Form to deny valid credits. Their basis comes from the requirement to provide photos of **"...the existence of each visible and accessible construction or mitigation attribute marked in Section 3 through 9..."** Simply put,... photos of many of these attributes cannot be taken, but when the inspector correctly marks the box noting " No attic access ", it takes away credits and harms the owner for an attribute that is **in fact present**, but not accessible for photographing. The presence of the attributes can be verified with paperwork from construction drawings or Building Department Records. These denied credits are the result of improper interpretations of the intent of the Legislature when Statute 627.0629 was approved. Other credits are denied because the absence and disregard for other approved and engineered methods or construction techniques that do not show as an option on the Form. These too can be verified from the "as built" construction drawings, permits or inspection records which can be obtained from the various governmental Building Departments ...although to obtain them creates hardship and extra expense to the owners when the intent of the Legislature was to save them money.

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The following is a critique of some of the problems referenced by the Form's numerical paragraphs. Some of the remarks are minor, but I think if the Form is changed, it makes sense to do those as well:

N/A. Upper Owner Information boxes: The reference to "Year of Home" should be changed to "Year of Building" or "Year of Structure" since condominium associations multi-unit buildings are included as part of the residential/commercial property market and cannot be properly defined as a "home".

1. **Building Code:** D. The list does not address the particular Building Code, Southern Standards, that was prevalent in areas of Florida outside of HVHZ or 1994 South Florida. Some inspectors that have only worked in Dade County never encountered the Southern Standards Code and thus are not aware of their differences.
2. **Predominant Roof Covering:** The list does not contain an option for Tile roofs because the IntraRisk studies Version 2.2 dated March 28, 2002 by Applied Research Associates, Inc did not perform tests on them. A list of roof covering types should added to show the many variations.
3. **Roof Deck Attachment:** E. This box is probably the correct one for other engineered means of deck attachment that would apply to metal and other non-combustible types found on some multi-unit buildings i.e. apartments or Condo Assns. The original intent of the Form was to be used for Type I buildings (3 stories and under) but insurance carriers want the information for higher buildings as well, particularly for HO6 policies in high rise buildings.
4. **Roof to Wall Attachment:** B., C., D. The term **"weakest"** does not advise the underwriter that porches, carports, skylights and garages whether or not and in what circumstances these items can be ignored. Since they were not tested during theinitial IntraRisk studies as described in #2 above. (Also see comments on #5 below relative to same). The use of the word **"every"** is virtually impossible for an inspector to verify, and even if he could, the scheduling for multi-unit buildings would be impossible since entry into one's unit can only be made on an "emergency" basis per most condominium documents. The language should reflect the contractor's discretionary acceptance for the inspected items that are reasonably presumed to be there. The scuttle access panels for sloped roofs are properly installed at the highest point of the attic for obvious reasons, but many times are located 10'-25'+ from the straps or clips and because of low lighting conditions and low headroom space, it requires the inspector to crawl out onto the ceilings taking the chance of cracking it (which they will not take) and prevents quality photos from being taken. In addition, the insulation covers most of the straps and access or removal to expose the tie-downs is practical for the same reasons.

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5. **Roof Geometry:** The comment that "(Porches or carports that are attached only to the fascia or wall....are not considered in the roof geometry determination.)" implies that the same conditions would apply to Roof to Wall Attachment criteria noted in #4.

6. **Gable End Bracing:** Since this item is not part of the insurance cost rating factors, this requirement for information and should be deleted in its entirety.

7. **Wall Construction Type:** Again, as noted in #6, it is not a factor in the insurance cost rating and should be deleted in its entirety.

8. **Secondary Water Resistance (SWR):** It should be noted that SWR does not apply as a rating factor for Reinforced concrete roofs which automatically receives the credit by Citizens. Since the definition of SWR applies to "sheathing or foam adhesives", SWR is not present on concrete roofs. (As a general note, at least in South Florida, the application of SWR to the plywood roofs has become Code requirement since October 2007 for re-roofing jobs. I am not sure whether that requirement is Statewide but I think it is. The roofing contractor signs an affidavit that he has applied the product, as well as re-nailed the deck, and this affidavit should be acceptable proof of the existence of both criteria. He is not required to have it inspected since he must immediately cover it before it rains.

9. **Opening Protection):** There are three main options... A thru D; E. thru I; and J thru L. making a total of 12 different choices. They are further confusing by cross-referencing E-thru I and J thru L back to various "related" options. This is confusing and since there are not 12 different rating factors for discounts (at least by Citizens, there are only 3), perhaps it makes better sense to incorporate just the 3 options into the Form and give instructions as to which of the 3 would pertain.

In summary, I have tried to define certain areas that have caused confusion about interpretation of the Mitigation Inspection Form OIR-B1-1802 (Rev. 02/10). Furthermore, as a General Contractor and also as an Insurance agent, I feel that for petty reasons, many carriers are rejecting valid discounts that were not intended to be taken away when the Legislature enacted Statute 627.0629. Please consider my input when proposing to make the changes to the Form.

Thank you for your consideration,

Troy Sumner, CGC 004629 and A258059

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