

# Executive Summary

Board of Governors Meeting, December 7, 2022

## Legal Services Agreement – Bush Ross, P.A.

### Topic

Citizens is requesting Board approval for up to \$200,000 in contract spend under a recently executed contract with Bush Ross, P.A. The contract provides for continued representation in the matter of Citizens Property Insurance Corporation v. Scott Thomas. The contract is a continuation of a prior three-year contract approved by the Board in 2020.

### History

Citizens contracted with Bush Ross, P.A. in October 2019 for representation in two civil litigation matters. The contract included a three-year term expiring October 2022. Citizens obtained Board approval for the contract in December 2020, after determining that contract spend could exceed \$100,000. Approximately \$94,000 in spend remained under the contract when it expired in October. The two legal matters were Connolly vs Kane Furniture Corporation, Shearon Campbell, HHC USA Corporation and Citizens Property Insurance Corporation and Citizens Property Insurance Corporation v Scott Thomas.

Citizens selected Bush Ross after interviewing and discussing the legal issues with the Bush Ross legal team. Citizens selects law firms under two methods. We maintain a panel of law firm contracts procured by subject area, with the newest panel of contracts approved by the Board in September 2022. Additionally, contracts may be sought individually. The Bush Ross contract was procured individually. Legal services contracts are exempt from competitive procurement requirements under s.287.057, F.S. and Citizens' Purchasing Policy.

Citizens entered a new contract with Bush Ross in October 2022 after expiration of the prior contract. The contract is needed for continued representation in the matter of Citizens Property Insurance Corporation v. Scott Thomas. This case, brought by Citizens, seeks legal action against a public adjuster for numerous instances of obstruction in claims processes, including adjusting processes and alternative dispute resolution processes involving the appraisal process. The contract continues until completion of the pending matter. Trial in this matter is currently set for March 2023.

Citizens requests Board approval for up to \$200,000 in contract spend under the new contract. This spend estimate reflects that the matter is currently scheduled for trial in 2023.

### Recommendation

Staff proposes that the Board of Governors:

- a) Authorize the contract with Bush Ross, P.A. for an amount not to exceed \$200,000, as set forth in this Action Item; and
- b) Authorize staff to take any appropriate or necessary action consistent with this Action Item.

## Legal Services Agreement – Bush Ross, P.A.

 **ACTION ITEM**
 **New Contract**
 **Contract Amendment**
 **Other** \_\_\_\_\_

 **CONSENT ITEM**
 **Contract Amendment**
 **Existing Contract Extension**
 **Existing Contract Additional Spend**
 **Previous Board Approval** \_\_\_\_\_

 **Other** \_\_\_\_\_

**Action Items:** Items requiring detailed explanation to the Board. When a requested action item is a day-to-day operational item or unanimously passed through committee it may be moved forward to the board on the Consent Index.

**Move forward as Consent:** This Action item is a day-to-day operational item, unanimously passed through committee or qualifies to be moved forward on the Consent Index.

**Consent Items:** Items not requiring detailed explanation to the Board of Governors. Consent items are contract extensions, amendments or additional spending authorities for items previously approved by the Board.

<b>Item Description</b>	Legal Services Agreement with Bush Ross, P.A.
<b>Purpose/Scope</b>	This Action Item requests Board approval for up to \$200,000 in contract spend under a recently executed contract with Bush Ross, P.A. The contract provides for continued representation in the matter of <u>Citizens Property Insurance Corporation v. Scott Thomas</u> . The contract is a continuation of a prior three-year contract executed in 2019. The Board approved up to \$250,000 in spend under the prior contract in December 2020. Approximately \$94,000 in spend remained at the time of contract expiration.
<b>Contract ID</b>	Legal Services Agreement Bush Ross, P.A.
<b>Budgeted Item</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Method</b>	Legal services are exempt from competitive procurement requirements under s. 287.057, F.S. and Citizens' Purchasing Policy. Citizens selected Bush Ross for continued representation in the ongoing matter of <u>Citizens Property Insurance Corporation v. Scott Thomas</u> .

**Legal Services Agreement – Bush Ross, P.A.**

<b>Contract Amount</b>	Not to exceed \$200,000.
<b>Contract Terms</b>	Until completion of the pending matter.
<b>Board Recommendation</b>	Staff proposes that the Board of Governors: <ul style="list-style-type: none"><li>a) Authorize the contract with Bush Ross, P.A. for an amount not to exceed \$200,000, as set forth in this Action Item; and</li><li>b) Authorize staff to take any appropriate or necessary action consistent with this Action Item.</li></ul>
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