



FOURTH JUDICIAL CIRCUIT OF FLORIDA

Waddell A. Wallace, III
Circuit Judge
(904) 255-1252

Duval County Courthouse
501 West Adams Street, Room 7207
Jacksonville, Florida 32202
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MEMORANDUM

To: Counsel of Record

From: Circuit Judge Waddell A. Wallace

Re: Prime Property & Casualty Insurance Co. v.
Shapells, Inc., et al., Case No. 16-2024-CA-2256

I am writing to address the pending Motion to Dismiss Amended Complaint for Interpleader, filed June 24, 2024, on behalf of Defendants Albert and Brenda Holmes.

The statutory provisions at issue are the amendments to section 624.155 (6) (a), Florida Statutes, passed in Chapter 2023-15, Florida Laws, and commonly known as House Bill 837. Section 29 of House Bill 837 provides, “to the extent that this act affects a right under an insurance contract,” it only applies to contracts issued or renewed after the effective date. For the reasons articulated in the Holmes’ Motion to Dismiss, I conclude that the interpleader provisions created by House Bill 37 do affect the substantive rights of the parties to the insurance policy at issue in this case. It follows, therefore, by the plain language of the legislation that the Florida Legislature did not intend for the interpleader statute to apply to insurance contracts created prior to the effective date of the act creating the new statutory provisions. House Bill 837 had an effective date of March 24, 2023, and

the insurance policy at issue was effective March 17, 2023. Accordingly, the interpleader statute is not available to Plaintiff, Prime Property & Casualty Ins., Inc. with respect to the competing claims asserted under the policy at issue in this action.

Alternatively, also for the reasons articulated in the Holmes' Motion to Dismiss, if the interpleader statute were to be applied retroactively to the policy at issue, such application would violate the prohibition against the impairment of contracts in Article I, Sections Nine and 10 of the Florida Constitution as well as Section One of the 14th Amendment to the United States Constitution.

I ask that Mr. Steinberg prepare a proposed order reflecting the rulings I have announced in this memorandum and incorporating the material part of the legal argument in his Motion to Dismiss to which I have referred. The proposed order should be circulated among opposing counsel for their comments and input prior to submitting it to the court. Please submit the proposed order through the e-filing portal.

Handwritten signature of Waddell A. Wallace in black ink.

Waddell A. Wallace
Circuit Court Judge