



**FILED**

OCT 03 2016

OFFICE OF  
INSURANCE REGULATION  
Docketed by: MS

OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 197116-16-CO

ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

SECOND AMENDMENT TO CONSENT ORDER

THIS CAUSE came on for consideration as a result of an agreement between ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as “ENDURANCE”) and the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the “OFFICE”) to further amend the Consent Order that ENDURANCE and the OFFICE executed on December 21, 2015, in case number 182857-15 (hereinafter referred to as “Consent Order 182857-15”), and first amended by Consent Order on March 7, 2016, in case number 185220-16 (hereinafter referred to as the “First Amendment to Consent Order 182857-15,” attached as Exhibit 1), in response to a change in ENDURANCE’s secure financial strength ratings. Following a complete review of the record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and parties herein.
2. ENDURANCE is a Certified Reinsurer in the state of Florida pursuant to Section 624.610(3)(e), Florida Statutes, Rule 69O-144.007, Florida Administrative Code, Consent Order 182857-15, and the First Amendment to Consent Order 182857-15.

3. The minimum collateral a Certified Reinsurer is required to post for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded is based on the secure rating the Certified Reinsurer is assigned by the OFFICE.

Pursuant to Rule 69O-144.007(8)(e)1., Florida Administrative Code:

The maximum rating that a certified reinsurer may be assigned will correspond to its financial strength rating as outlined in subsection (4) of this rule. The Office shall use the lowest financial strength rating received from a rating agency indicated in paragraph 3(a)-(e) of this rule in establishing the maximum rating of a certified reinsurer.

4. When Consent Order 182857-15 was executed, ENDURANCE represented that it had financial strength ratings of “A” from A.M. Best, “A” from Standard & Poor’s, and “A3” from Moody’s. Said representation was included in Paragraph nine (9) of Consent Order 182857-15.

5. ENDURANCE represents that effective August 9, 2016, Moody’s upgraded ENDURANCE’s secure financial strength rating from “A3” to “A2.” ENDURANCE further represents that it maintains financial strength ratings of “A” from A.M. Best and “A” from Standard & Poor’s.

6. Based on the secure financial strength ratings of ENDURANCE, the OFFICE hereby assigns ENDURANCE a rating of Secure – 3 and finds that, pursuant to Rule 69O-144.007(4), Florida Administrative Code, twenty percent (20%) is the minimum collateral ENDURANCE is required to post for a ceding company to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to ENDURANCE.

7. Accordingly, Paragraph nine (9) of Consent Order 182857-15 is hereby replaced with the following language:

ENDURANCE represents that it has current financial strength ratings of “A” from A.M. Best, “A” from Standard & Poor’s, and “A2” from Moody’s.

8. Further, Paragraph eleven (11) of Consent Order 182857-15, as amended by the First Amendment to Consent Order 182857-15, is hereby replaced with the following language:

Based on ENDURANCE's secure financial strength ratings, for purposes of Rule 69O-144.007(4), Florida Administrative Code, ENDURANCE acknowledges that the collateral required for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded be no less than twenty percent (20%), unless otherwise amended by the OFFICE.

9. The parties agree that the amendment described in paragraph eight (8) above shall take effect only for agreements incepting on or after August 9, 2016, up until such time as the collateral requirement may be further amended by the OFFICE. For agreements incepting on or after May 31, 2012, and before July 28, 2015, twenty percent (20%) is still the minimum collateral ENDURANCE is required to post for a ceding company to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to ENDURANCE. For agreements incepting on or after July 28, 2015, and before August 9, 2016, fifty percent (50%) is still the minimum collateral ENDURANCE is required to post for a ceding company to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to ENDURANCE.

10. The parties agree that all other previous terms and conditions of Consent Order 182857-15, as amended by the First Amendment to Consent Order 182857-15, remain unchanged by this Second Amendment to Consent Order and remain in full force and effect.

11. Each party to this action shall bear its own costs and attorneys' fees.

12. ENDURANCE expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by the OFFICE, and all further and other proceedings to which it may

be entitled by law or rules of the OFFICE. ENDURANCE hereby knowingly and voluntarily waives all rights to challenge or to contest this Second Amendment to Consent Order in any forum now or in the future available to it, including the rights to any administrative proceeding, state or federal court action, or any appeal.

13. ENDURANCE and the OFFICE agree that this Second Amendment to Consent Order shall be deemed to be executed when the OFFICE has signed a copy of this Second Amendment to Consent Order bearing the signature of ENDURANCE or its authorized representative notwithstanding the fact that the copy was transmitted to the OFFICE electronically. Further, ENDURANCE agrees that its signature as affixed to this Second Amendment to Consent Order shall be under the seal of a Notary Public.

WHEREFORE, the agreement between ENDURANCE SPECIALTY INSURANCE LTD. and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

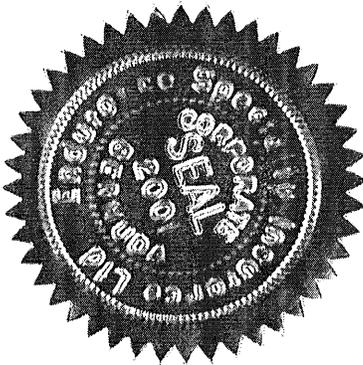
FURTHER, all terms and conditions above are hereby ORDERED.

DONE and ORDERED this 3 day of October, 2016.



David Altmaier  
David Altmaier, Commissioner  
Office of Insurance Regulation

By execution hereof, ENDURANCE SPECIALTY INSURANCE LTD. consents to entry of this Second Amendment to Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind ENDURANCE SPECIALTY INSURANCE LTD. to the terms and conditions of this Second Amendment to Consent Order.



ENDURANCE SPECIALTY INSURANCE LTD.

By: *John V. Del Col*

Print Name: John V. Del Col

Title: Secretary

Date: September 26, 2016

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

The foregoing instrument was acknowledged before me this 26th day of September 2016,

by John V. Del Col as Secretary  
(name of person) (type of authority; e.g., officer, trustee, attorney in fact)

for Endurance Specialty Insurance Ltd.  
(company name)

*Maria Linares*  
(Signature of the Notary)

MARIA ARROYO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01AR6201373  
Qualified in Westchester County  
My Commission Expires February 23, 2017

Maria Linares  
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known X or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires February 23, 2017

COPIES FURNISHED TO:

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# EXHIBIT

1



4. Accordingly, Paragraph 11 of Consent Order 182857-CO-15 is hereby replaced with the following language:

11. Based on ENDURANCE's secure financial strength ratings, for purposes of Rule 69O-144.007(4), Florida Administrative Code, ENDURANCE acknowledges that the collateral required for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded be no less than fifty percent (50%), unless otherwise amended by the OFFICE. Said collateral requirement shall take effect only for agreements incepting on or after July 28, 2015, up until such time as the collateral requirement may be further amended by the OFFICE. For agreements incepting after May 31, 2012, and before July 28, 2015, twenty percent (20%) is still the minimum collateral ENDURANCE is required to post for a ceding company to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to ENDURANCE.

5. Paragraph 13 of Consent Order 182857-CO-15 is hereby replaced with the following language:

13. Pursuant to Rule 69O-144.007(8)(d)(2), Florida Administrative Code, ENDURANCE shall assume only the kind or kinds of reinsurance ceded by ceding insurers for which ENDURANCE is authorized in its domiciliary jurisdiction.

6. All other terms and conditions in Consent Order 182857-CO-15 shall remain in full force and effect.

7. Each party to this action shall bear its own costs and attorneys' fees.

8. ENDURANCE expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE, and all further and other proceedings to which it may be entitled by law or rules of the OFFICE. ENDURANCE hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum now or in the future available to it, including the rights to any administrative proceeding, circuit or federal court action, or any appeal.

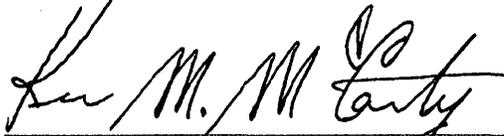
9. ENDURANCE and the OFFICE agree that this Consent Order shall be deemed to be executed when the OFFICE has signed a copy of this Consent Order bearing the signature of ENDURANCE or its authorized representative notwithstanding the fact that the copy was transmitted to the OFFICE electronically. Further, ENDURANCE agrees that its signature as affixed to this Consent Order shall be under the seal of a Notary Public.

WHEREFORE, the agreement between ENDURANCE SPECIALTY INSURANCE LTD. and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions above are hereby ORDERED.

DONE and ORDERED this 7<sup>th</sup> day of March, 2016.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, ENDURANCE SPECIALTY INSURANCE LTD. consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind ENDURANCE SPECIALTY INSURANCE LTD. to the terms and conditions of this Consent Order.

ENDURANCE SPECIALTY INSURANCE LTD.

By: *John V. Del Col*

[Corporate Seal]

Print Name: John V. Del Col

Title: Secretary

Date: February 29, 2016

STATE OF New York  
COUNTY OF Westchester

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of Feb. 2016,

by John V. Del Col as Secretary  
(name of person) (type of authority; e.g., officer, trustee, attorney in fact)

for Endurance Specialty Insurance Ltd.  
(company name)

*Maria Linares (Arroyo)*  
(Signature of the Notary)

Maria Linares (Arroyo)  
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known X or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires February 23, 2017

MARIA ARROYO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01AR0201373  
Qualified in Westchester County  
My Commission Expires February 23, 2017

COPIES FURNISHED TO:

JOHN CHARMAN, CHIEF EXECUTIVE OFFICER

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Bermuda

E-Mail: [jcharman@endurance.bm](mailto:jcharman@endurance.bm)

ROBERT RIDENOUR, DIRECTOR

Office of Insurance Regulation

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E-Mail: [Patrick.Flemming@floi.com](mailto:Patrick.Flemming@floi.com)

# EXHIBIT

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**FILED**

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OFFICE OF  
INSURANCE REGULATION

Docketed by: AOXS

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 182857-CO-15

ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

CONSENT ORDER

THIS CAUSE came on for consideration as a result of an agreement between ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE") and the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE") in response to changes to the security requirements applicable to ENDURANCE's financial strength ratings. Following a complete review of the record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. ENDURANCE is a stock insurer organized under the laws of Bermuda whose shares are owned one hundred percent (100%) by Endurance Specialty Holdings, Ltd., a Bermuda holding company.
3. ENDURANCE is also a Certified Reinsurer in the state of Florida pursuant to Section 624.610(3)(c), Florida Statutes, Rule 690-144.007, Florida Administrative Code, and the Consent Order that was executed by ENDURANCE and the OFFICE on May 31, 2012, case number 125668-12-CO ("Consent Order 125668-12-CO," attached as Exhibit A).

4. The Consent Order was amended three times to extend ENDURANCE's status as a Certified Reinsurer (collectively, the "Orders"): first, by Order of the OFFICE dated December 31, 2013; second, by Order of the Office dated December 29, 2014; and third, by Order of the Office dated October 22, 2015. *See* attached Exhibits B, C, and D, respectively. Consent Order 125668-12-CO was set to expire on December 31, 2016, at 11:59 PM unless extended by written approval of the OFFICE.

5. To consolidate the prior Orders and Consent Order 125668-12-CO and address a change to the security requirements in Rule 69O-144.007, Florida Administrative Code, ENDURANCE and the OFFICE hereby execute this Consent Order and agree that it shall supersede Consent Order 125668-12-CO and govern ENDURANCE's status as a Certified Reinsurer in the state of Florida.

6. ENDURANCE has represented and the OFFICE finds that ENDURANCE is still in compliance with all of the requirements of the Florida Insurance Code and Florida Administrative Code to being a Certified Reinsurer in the state of Florida.

7. ENDURANCE represents that its purpose for being a Certified Reinsurer under Section 624.610(3)(e), Florida Statutes, and Rule 69O-144.007, Florida Administrative Code, is to allow ceding insurers to take credit in their accounting and in financial statements on account of such reinsurance ceded without ENDURANCE posting full collateral.

8. The minimum collateral a Certified Reinsurer is required to post for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded is based on the secure rating the Certified Reinsurer is assigned by the Office. Pursuant to Rule 69O-144.007(8)(c)1., Florida Administrative Code:

The maximum rating that a certified reinsurer may be assigned will correspond to its financial strength rating as outlined in subsection (4) of this rule. The Office

shall use the lowest financial strength rating received from a rating agency indicated in paragraph 3(a)-(e) of this rule in establishing the maximum rating of a certified reinsurer.

9. ENDURANCE represents that it has current financial strength ratings of "A" from A.M. Best's, "A" from Standard & Poor's, and "A3" from Moody's.

10. Effective July 28, 2015, Rule 69O-144.007(4), Florida Administrative Code, was amended so that, among other things, a rating of A3 from Moody's now corresponds to a Secure - 4 rating and a collateral requirement of fifty percent (50%).

11. Based on ENDURANCE's secure financial strength ratings, for purposes of Rule 69O-144.007(4), Florida Administrative Code, ENDURANCE acknowledges that the collateral required for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded be no less than fifty percent (50%), unless otherwise amended by the OFFICE. Said collateral requirement shall only apply to property catastrophe reinsurance being provided by the ENDURANCE to ceding insurers in Florida and shall take effect only for agreements incepting on or after July 28, 2015, up until such time as the collateral requirement may be further amended by the OFFICE. For agreements incepting after May 31, 2012, and before July 28, 2015, twenty percent (20%) is still the minimum collateral ENDURANCE is required to post for a ceding company to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to ENDURANCE.

12. ENDURANCE represents that it has established collateral security in the form of letters of credit for purposes of securing its U.S. liabilities to U.S. cedant insurers and that such letters of credit comply with Section 624.610(4)(c), Florida Statutes, and Rule 69O-144.005(6), Florida Administrative Code. Endurance agrees that any other form of security it utilizes in lieu

of letters of credit shall comply with Section 624. 610, Florida Statutes, and Rule 69O-144.007, Florida Administrative Code.

13. Pursuant to Rule 69O-144.007(8)(d)(2), Florida Administrative Code, ENDURANCE shall assume only the kind or kinds of reinsurance ceded by ceding insurers for which ENDURANCE is authorized in its domiciliary jurisdiction. Further, Endurance acknowledges that its Certified Reinsurer status shall only apply to property catastrophe reinsurance.

14. ENDURANCE acknowledges that in order to maintain its status as a Certified Reinsurer, it is required to file annually with the OFFICE all documentation required by Rule 69O-144.007(8)(h), Florida Administrative Code.

15. ENDURANCE submits to the jurisdiction of the United States' courts and has appointed an agent for service of process in Florida (attached as Exhibit E). Furthermore, ENDURANCE agrees to post one hundred percent (100%) collateral for its Florida liabilities if it resists the enforcement of a valid and final judgment from a court in the United States or if otherwise required by the OFFICE pursuant to Rule 69O-144.007, Florida Administrative Code.

16. ENDURANCE affirms that all representations made herein and in connection with this Consent Order are true and material to the issuance of this Consent Order. ENDURANCE further acknowledges that all requirements set forth herein are material to the issuance of this Consent Order.

17. ENDURANCE agrees that it will adhere to the continuing requirements for a Certified Reinsurer as described in Rule 69O-144.007, Florida Administrative Code.

18. ENDURANCE shall report to the OFFICE, Bureau of Property & Casualty Financial Oversight, any time that it is named as a party defendant in a class action lawsuit

within fifteen (15) days after the class is certified, and ENDURANCE shall include a copy of the complaint at the time it reports the class action lawsuit to the OFFICE.

19. This Consent Order shall remain in effect and ENDURANCE's status as a Certified Reinsurer shall continue until ENDURANCE either surrenders its status, fails to meet the requirements of the Florida Insurance Code or Rule 69O-144.007, Florida Administrative Code, or has its status withdrawn pursuant to Rule 69O-144.007, Florida Administrative Code, or this Consent Order.

20. ENDURANCE agrees that, upon execution of this Consent Order by the OFFICE, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in the withdrawal of ENDURANCE's status as a Certified Reinsurer in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

21. The deadlines set forth in this Consent Order may be extended by written approval of the OFFICE. Approval of any deadline extension is subject to statutory or administrative regulation limitations.

22. Each party to this action shall bear its own costs and attorneys' fees.

23. Executive Order 13224, signed by President George W. Bush on September 23, 2001, blocks the assets of terrorists and terrorist support organizations identified by the United States Department of the Treasury, Office of Foreign Assets Control. The Executive Order also prohibits any transactions by U.S. persons involved in the blocked assets and interests. The list of identified terrorists and terrorist support organizations is periodically updated at the Treasury Department's Office of Foreign Assets Control website, <http://www.treas.gov/ofac>. APPLICANT shall maintain and adhere to procedures necessary to detect and prevent prohibited

transactions with individuals and entities that have been identified at the Treasury Department's Office of Foreign Assets Control website.

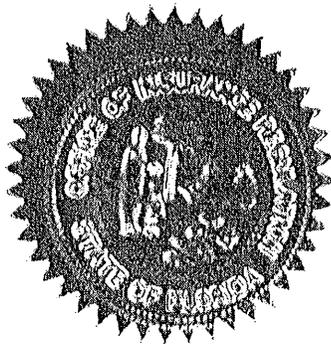
24. ENDURANCE expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE, and all further and other proceedings to which it may be entitled by law or rules of the OFFICE. ENDURANCE hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum now or in the future available to it, including the rights to any administrative proceeding, circuit or federal court action, or any appeal.

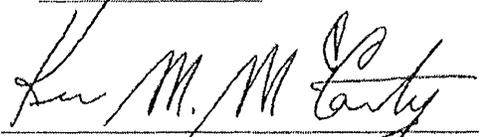
25. ENDURANCE and the OFFICE agree that this Consent Order shall be deemed to be executed when the OFFICE has signed a copy of this Consent Order bearing the signature of ENDURANCE or its authorized representative notwithstanding the fact that the copy was transmitted to the OFFICE electronically. Further, ENDURANCE agrees that its signature as affixed to this Consent Order shall be under the seal of a Notary Public.

WHEREFORE, the agreement between ENDURANCE SPECIALTY INSURANCE LTD. and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions above are hereby ORDERED.

DONE and ORDERED this 21<sup>st</sup> day of December, 2015.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, ENDURANCE SPECIALTY INSURANCE LTD. consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind ENDURANCE SPECIALTY INSURANCE LTD. to the terms and conditions of this Consent Order.

ENDURANCE SPECIALTY INSURANCE LTD.

By: *John V. Del Col*

[Corporate Seal]

Print Name: John V. Del Col

Title: General Counsel & Secretary

Date: December 18, 2015

STATE OF New York  
COUNTY OF WESTCHESTER

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of Dec. 2015,

by JOHN V. DEL COL as GENERAL COUNSEL & SECRETARY  
(name of person) (type of authority; e.g., officer, trustee, attorney in fact)

for ENDURANCE SPECIALTY INSURANCE LTD.  
(company name)

*Laura Haytman*

(Signature of the Notary)

LAURA HAYTMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01HA6155614

Qualified in Westchester County  
(Print, Type or Stamp, Commissioned Name of Notary)  
My Commission Expires November 13, 2018

Personally Known ✓ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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ROBERT RIDENOUR, DIRECTOR

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FILED

MAY 31 2012

OFFICE OF  
INSURANCE REGULATION  
Docketed by: 23

OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY  
COMMISSIONER

IN THE MATTER OF:

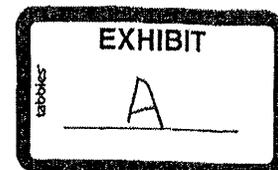
CASE NO.: 125668-12-CO

ENDURANCE SPECIALTY INSURANCE LTD.

CONSENT ORDER

THIS CAUSE came on for consideration upon the filing of an application with the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE") by ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "APPLICANT") to become an Eligible Reinsurer (hereinafter referred to as "Application"), pursuant to Section 624.610(3)(c), Florida Statutes, and Rule 69C.144.007, Florida Administrative Code (which is hereby incorporated by reference and attached as Exhibit A). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds, as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. APPLICANT has applied for and, subject to the present and continuing satisfaction of the requirements, terms, and conditions established herein, met all of the conditions precedent to becoming an Eligible Reinsurer in Florida, pursuant to the requirements set forth by the Florida Insurance Code.



3. APPLICANT is a stock insurer organized under the laws of Bermuda, and whose shares are owned and controlled one hundred percent (100%) by Endurance Specialty Holdings Ltd., a Bermuda holding company.

4. APPLICANT has represented that the purpose of its Application to become an Eligible Reinsurer under Section 624.610(3)(c), Florida Statutes, and Rule 69C-144.007, Florida Administrative Code, is to allow ceding insurers (defined in the Rule as domestic insurers) to take credit in their accounting and in financial statements on account of such reinsurance ceded without full collateral.

5. In determining APPLICANT's qualifications as an Eligible Reinsurer pursuant to Section 624.610(3)(c), Florida Statutes, and Rule 69C-144.007, Florida Administrative Code, the OFFICE has considered the following information submitted by APPLICANT or obtained by the OFFICE:

a. APPLICANT's statutory capital and surplus of two billion, four hundred twenty-two million, three hundred ninety-eight thousand U.S. Dollars (\$2,422,398,000) as reported in its statutory financial statement as of December 31, 2011, which exceeds the two hundred fifty million U.S. Dollars (\$250,000,000) surplus requirement under Section 624.610(3)(c), Florida Statutes;

b. APPLICANT's secure financial strength rating from at least two (2) statistical rating organizations deemed acceptable by the Commissioner as having experience and expertise in rating insurers doing business in Florida;

c. The domiciliary regulatory jurisdiction of the APPLICANT;

d. APPLICANT's domiciliary regulator structure and authority with regard to solvency regulation requirements and financial surveillance;

e. The substance of financial and operating standards required by APPLICANT's domiciliary regulator;

f. The form and substance of financial reports or other public financial statements required to be filed by the reinsurers in APPLICANT's domiciliary jurisdiction in accordance with generally accepted accounting principles;

g. APPLICANT's domiciliary regulator's willingness to cooperate with United States regulators in general and the OFFICE in particular;

h. The history and performance of reinsurers in APPLICANT's domiciliary jurisdiction; and

i. Other pertinent information submitted by APPLICANT pursuant to Section 624.610(3)(e), Florida Statutes, and Rule 690-144.007, Florida Administrative Code.

6. APPLICANT shall adhere to the continuing requirements for an Eligible Reinsurer as described in Rule 690-144.007, Florida Administrative Code.

7. For purposes of Rule 690-144.007(4), Florida Administrative Code, APPLICANT acknowledges the collateral required for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to no less than twenty percent (20%), unless otherwise amended by the OFFICE. Said collateral requirement shall only apply to property catastrophe reinsurance being provided by the APPLICANT to ceding insurers in Florida and shall take effect for agreements incepting on or after the date of execution of this Consent Order up until such time as the collateral requirement may be amended by the OFFICE.

8. APPLICANT represents in its Application that it will establish collateral security in the form of Letters of Credit for purposes of securing its U.S. liabilities to U.S. cedant

Insurers. Such Letters of Credit shall comply with Section 624.610(4)(c), Florida Statutes, and Rule 690-144.005(6), Florida Administrative Code. Further, any other form of security utilized by APPLICANT in lieu of Letters of Credit shall comply with Section 624.610, Florida Statutes, and Rule 690-144.007, Florida Administrative Code.

9. Pursuant to Rule 690-144.007(8)(c)(2), Florida Administrative Code, APPLICANT shall assume only the kind or kinds of reinsurance ceded by ceding insurers for which APPLICANT is authorized in its domiciliary jurisdiction. Further, APPLICANT acknowledges that the eligible reinsurer status shall only apply to property catastrophe reinsurance.

10. APPLICANT acknowledges that in order to maintain its eligible reinsurer status it is required to file annually with the OFFICE all documentation required by Rule 690-144.007(8)(c)1.-5., Florida Administrative Code, on or before the anniversary date of the execution of this Consent Order.

11. APPLICANT submits to the jurisdiction of the United States courts and has appointed an agent for service of process in Florida (attached as Exhibit B). Furthermore, APPLICANT agrees to post one hundred percent (100%) collateral for its Florida liabilities if it resists the enforcement of a valid and final judgment from a court in the United States or if otherwise required by the OFFICE pursuant to Rule 690-144.007, Florida Administrative Code.

12. This Consent Order shall expire on December 31<sup>st</sup>, 2013 at 11:59 PM.

13. APPLICANT shall report to the OFFICE, Bureau of Property & Casualty Financial Oversight, any time that it is named as a party defendant in a class action lawsuit, within fifteen (15) days after the class is certified, and APPLICANT shall include a copy of the complaint at the time it reports the class action lawsuit to the OFFICE.

14. APPLICANT shall pay within thirty (30) days of execution of this Consent Order, two thousand five hundred U.S. Dollars (\$2,500) for legal costs associated with this Consent Order.

15. The deadlines set forth in this Consent Order may be extended by written approval of the OFFICE. Approval of any deadline extension is subject to statutory or administrative regulation limitations.

16. APPLICANT affirms that all representations are true and all requirements set forth herein are material to the issuance of this Consent Order.

17. APPLICANT shall report to the OFFICE within sixty (60) days from the date of the execution of this Consent Order a certification evidencing compliance with all of the requirements of this Consent Order. Any exceptions shall be so noted and contained in the certification. Exceptions noted in the certification shall also include a timeline defining when the outstanding requirements of the Consent Order will be complete. Said certification shall be submitted to the OFFICE via electronic mail and directed to the attention of the Assistant General Counsel representing the OFFICE in this matter and as named in this Consent Order.

18. APPLICANT agrees that upon execution of this Consent Order by the OFFICE, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in the withdrawal of APPLICANT's status as an Eligible Reinsurer in this state, in accordance with Sections 120.559(2)(h) and 120.60(6), Florida Statutes.

19. Executive Order 13224, signed by President George W. Bush on September 23, 2001, blocks the assets of terrorists and terrorist support organizations identified by the United States Department of the Treasury, Office of Foreign Assets Control. The Executive Order also prohibits any transactions by U.S. persons involved in the blocked assets and interests. The list

of identified terrorists and terrorist support organizations is periodically updated at the Treasury Department's Office of Foreign Assets Control website, [www.treas.gov/ofac](http://www.treas.gov/ofac). APPLICANT shall maintain and adhere to procedures necessary to detect and prevent prohibited transactions with individuals and entities which have been identified at the Treasury Department's Office of Foreign Assets Control website.

20. APPLICANT expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE and all further and other proceedings herein to which the parties may be entitled by law or rules of the OFFICE. APPLICANT hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum now or in the future available to it, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

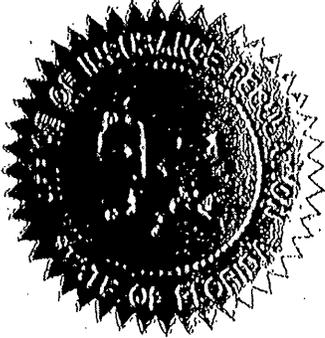
21. Except as noted in this Consent Order, each party to this action shall bear its own costs and fees.

22. The parties agree that this Consent Order shall be deemed to be executed when the OFFICE has executed a copy of this Consent Order bearing the signature of APPLICANT or its authorized representative, notwithstanding the fact that the copy may have been transmitted to the OFFICE electronically. Further, APPLICANT agrees that its signature as affixed to this Consent Order shall be under the seal of a Notary Public.

WHEREFORE, the agreement between ENDURANCE SPECIALTY INSURANCE LTD. and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 31st day of May, 2012.



A handwritten signature in black ink, appearing to read "Kevin M. McCarty".

Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, ENDURANCE SPECIALTY INSURANCE LTD., consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he/she has the authority to bind ENDURANCE SPECIALTY INSURANCE LTD. to the terms and conditions of this Consent Order.

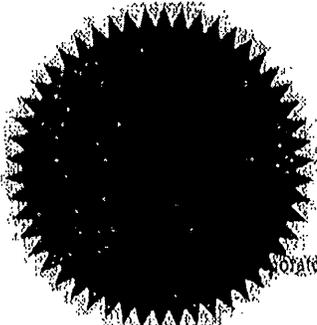
ENDURANCE SPECIALTY INSURANCE LTD.

By: [Signature]

Print Name: John V. Del Gal

Title: Secretary

Date: May 23, 2012



(Notary Seal)

CITY OF Hamilton

COUNTRY OF Bermuda

The foregoing instrument was acknowledged before me this 23 day of May, 2012

by John V. Del Gal as Secretary  
(Name of person) (Type of authority, e.g., officer, trustee, attorney in fact)

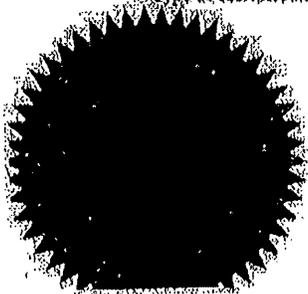
for Endurance Specialty Insurance Ltd  
(Company Name)

[Signature]  
(Signature of Notary Public)

D. B. Adderley  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



Daniel Bradford Adderley  
NOTARY PUBLIC  
HAMILTON COUNTY  
12 VICTORIA STREET  
HAMILTON, HM 12  
BERMUDA

**CORIBS FURNISHED TO:**

**DAVID CASH, CHIEF EXECUTIVE OFFICER**  
**ENDURANCE SPECIALTY INSURANCE LTD.**  
Wellslay House  
90 Blits Bay Road  
Pembroke HM 08  
Bermuda

**SANDY P. RAY**  
Coladny, Bass, Tulenfeld, Karlinsky & Abate P.A.  
One Financial Plaza 23<sup>rd</sup> Floor  
100 South East 3<sup>rd</sup> Avenue  
Fort Lauderdale, Florida 33394  
Tel. No: (954) 492-4010  
E-Mail: [sray@colaw.com](mailto:sray@colaw.com)

**ELIZABETH ("LIBBY") THOMSON, FINANCIAL ADMINISTRATOR**  
Bureau of Property and Casualty Financial Oversight  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, Florida 32399-0329  
E-mail: [elizabeththomson@flor.com](mailto:elizabeththomson@flor.com)

**JOEL MEYER, INSURANCE EXAMINER-II**  
Bureau of Property and Casualty Financial Oversight  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, Florida 32399-0329  
E-Mail: [joel.meyer@flor.com](mailto:joel.meyer@flor.com)

**JASON NELSON, ASSISTANT GENERAL COUNSEL**  
Legal Services Office  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, Florida 32399-4206  
Telephone: (850) 413-4112  
E-mail: [jasonnelson@flor.com](mailto:jasonnelson@flor.com)

**690-144.007 Credit for Reinsurance from Eligible Reinsurers**

(1) Purpose. Paragraph (3)(c) of Section 624.610, F.S., gives the Commissioner the option to allow credit for reinsurance without full collateral for transactions involving assuming insurers not meeting the requirements of Sections 624.610(3)(a)(d), F.S. These rules implement that paragraph. This rule does not apply to reinsurers that meet the requirements of Sections 624.610(3)(a)(4), F.S. This rule is not an attempt to assert extra-territorial jurisdiction. Insurers that write in states other than Florida will need to comply with the laws of those states. This rule applies only to property and casualty insurance; it does not apply to life and health.

(2) Definitions. As used in this rule the following terms have the following meanings:

(a) "Ceding insurer" means a domestic insurer, as defined by paragraph (1) of Section 624.06, F.S.

(b) "Eligible reinsurer" means an assuming insurer which does not meet the requirements of paragraphs (3)(a), (3)(4) or (3)(c) of Section 624.610, F.S., and which has been determined by the commissioner by order to have met the requirements set forth in subsections (7) and (8) of this rule.

(c) "Eligible jurisdiction" means a jurisdiction which has met the requirements set forth in subsection (8) of this rule.

(3) With respect to reinsurance contracts entered into or renewed on or after the effective date of this rule, a ceding insurer may elect to take credit, as an asset or deduction from reserves, for reinsurance ceded to an eligible reinsurer, provided that the eligible reinsurer holds surplus in excess of \$100 million and maintains, on a stand-alone basis separate from its parent or any affiliated entities, a separate financial strength rating from at least two of the rating agencies indicated in paragraphs (a) through (d) of this subsection. The credit is subject to the limitations set forth in this rule. The rating agencies are:

(a) Standard and Poor's

(b) Moody's Investors Service

(c) A.M. Best

(d) A.M. Best Company, or

(4) The collateral required to allow 100% credit shall be no less than the percentage specified for the lowest rating as indicated

below:

Collateral Required	Best	S&P	Moody's	Pitch
0%	A++	AAA	Aaa	AAA
10%	A+	AA+, AA, AA-	Aa1, Aa2, Aa3	AA+, AA, AA-
20%	A, A-	A+, A, A-	A1, A2, A3	A+, A, A-
75%	B++, B+	BB+, BB, BB-	Baa1, Baa2, Baa3	BB+, BB, BB-
100%	B, B-, C+, C, C-, D, NR	BB+, BB, BB-, B+, B-, C, C+, C-, D, NR	Ba1, Ba2, Ba3, B1, B2, B3, Ca1, Ca, C	BB+, BB, BB-, B+, B-, B-, C, C+, C, C-, C-, D, D

For reinsurance ceded by Florida domestic property insurers for short-tailed lines as defined below, any collateral required to be posted may be subject to a one-year deferral from the date of the first instance of a liability reserve entry as a result of a catastrophic loss from a named hurricane. For these purposes, a short-tailed line of business is defined as any one of the following lines of business as reported on the NAIC annual financial statement:

- Line 1 Fire
- Line 2 Allied Lines
- Line 3 Farmers multiple peril
- Line 4 Homeowners multiple peril
- Line 5 Commercial multiple peril
- Line 9 Inland marine
- Line 12 Earthquake
- Line 21 Auto physical damage

(5) Nothing in this rule shall be construed to deny the ceding insurer the ability to take credit for reinsurance for the remainder of its liability with an eligible reinsurer so long as those amounts are secured with acceptable collateral pursuant to Section 624.610(4), F.S.



(6) In addition to the trust fund required under paragraph (3)(c) of Section 624.610, F.S., the commissioner shall permit an assuming insurer that maintains a trust fund in a qualified United States financial institution, as that term is defined in paragraph (5)(b) of Section 624.610, F.S., for the payment of the valid claims of its United States cedent insurers and their agents and accessories in business to also maintain in a qualified United States financial institution a trust fund constituting a trust fund with a net asset equal to the collateral required in accordance with subsection (4) of this rule to secure the liabilities attributable to United States cedent insurers under reinsurance policies (contracts) entered into or renewed by such assuming insurer on or after the effective date of this rule or such other date as may be established in other states for cedent insurers domiciled in such states; but only when maintenance of such a trust fund serves to protect the interests of the public and the interests of insurer solvency.

(7) A ceding insurer may not take credit pursuant to this rule unless:

(a) The reinsurer has been determined, by order of the commissioner, to be an eligible reinsurer, pursuant to subsection (8) of this rule;

(b) The ceding insurer maintains satisfactory evidence that the eligible reinsurer meets the standards of solvency, including standards for capital adequacy, established by its domestic regulator;

(c) All reinsurance contracts between the ceding insurer and the eligible reinsurer must provide:

1. For an insolvency clause in conformance with Section 624.610(8), F.S.;
2. For a service of process clause in conformance with Section 624.610(3)(c)1. and 2, F.S.; and
3. For a submission to jurisdiction clause in conformance with Section 624.610(3)(c)1. and 2, F.S.

(8) Statutes eligible reinsurer:

(a) Application for a determination as an eligible reinsurer under this rule shall be made by cover letter from the insurer requesting a finding of eligibility as a reinsurer pursuant to this rule. The cover letter shall be accompanied with the following:

1. Audited financial statements from inception or for the last 3 years, whichever is less, filed with its domiciliary regulator by the insurer or in the case of a rated group, by the group, pursuant to or including a reconciliation to U.S. GAAP, U.S. Statutory Accounting Principles, or International Financial Reporting Standards (IFRS); the requirement for 3 years reconciliation shall be waived by the office if the commissioner determines that other provided financial information will be as useful in the determination of financial health of the reinsurer;

2. Documentation that the applicant submits to the jurisdiction of the United States courts, appoints an agent for service of process in Florida, and agrees to post 100% collateral for its Florida liabilities if it resists enforcement of a valid and final judgment from a court in the United States; or if otherwise required by the Office pursuant to this rule;

3. A report that provides information to the office as to the ceded and ceding insurance; the information may be provided in the form of the NAIC Property and Casualty Annual Billing Blank Schedule B, or in any manner that provides the Office with the same information about its ceded and ceding insurance that is disclosed by the NAIC Property and Casualty Annual Billing Blank Schedule B;

4. A list of all disputed, overdue, recoverables due to or claimed by ceding insurers, whether or not the claims are in litigation, or arbitration;

5. A certification from the domiciliary regulator of the insurer that the company is in good standing and that the regulator will provide financial and operational information to the Office.

(b) The determination of eligibility will be made by order executed by the Commissioner.

(c) To become an eligible reinsurer, the reinsurer, at a minimum:

1. Shall hold surplus in excess of \$100 million;
2. Shall be authorized in its domiciliary jurisdiction to assume the kind or kinds of reinsurance ceded by the ceding insurer; and,
3. Shall be domiciled in an eligible jurisdiction as defined in subsection (9).

(d) If the Commissioner determines, based upon the material submitted, and any other relevant information, that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will find, by order, that the insurer is an eligible reinsurer and will set an amount of credit allowed for the reinsurer if lower than the amount set forth in subsection (4).

(e) Every eligible reinsurer shall file the following information annually with the Office, on the anniversary of the order granting it eligibility:

1. A statement certifying that there has been no change in the provisions of its domiciliary license or any of its financial strength ratings; or a statement describing such changes and the reasons therefor;
2. A copy of all financial statements filed with their domiciliary regulator.

3. Any change in its directors and officers;  
4. An updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from U.S. domestic ceding insurers; and

5. Any other information that the Office may require to assure market stability and the solvency of ceding insurers.

(f) An eligible reinsurer must immediately advise the Office of any changes in its ratings assigned by rating agencies, or domiciliary license status;

(g) At any time, if the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will withdraw, by order, any determination of an insurer as an eligible reinsurer or require the reinsurer to post additional collateral.

(h) If the rating of an eligible reinsurer rises above that used by the Commissioner in his or her determination of the credit allowed for the reinsurer, an affected party may petition the Commissioner for a redetermination of the credit allowed. If it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will raise the credit allowed for the reinsurer;

(9) Status as an eligible jurisdiction

(a) The determination of a jurisdiction as an eligible jurisdiction is to be made by the Commissioner. No jurisdiction shall be determined to be an eligible jurisdiction unless:

1. The insurance regulatory body of the jurisdiction agrees that it will provide information requested by the Office regarding its eligible domiciliary reinsurers;

2. The Office has determined that the jurisdiction has a satisfactory structure and authority with regard to solvency regulation, acceptable financial and operating standards for reinsurers in the domiciliary jurisdiction, acceptable transparent financial reports filed in accordance with generally accepted accounting principles, and verifiable evidence of adequate and prompt enforcement of valid U.S. judgments of arbitration awards;

3. The Office has determined that the history of performance by reinsurers in the jurisdiction is such that the insuring public will be served by a finding of eligibility;

4. For non-US jurisdictions, the jurisdiction allows U.S. reinsurers access to the market of the domiciliary jurisdiction on terms and conditions that are at least as favorable as those provided in Florida law and regulations for unaccredited non-U.S. assuming insurers; and

5. There is no other documented information that it would not serve the best interests of the insuring public and the solvency of ceding insurers to make a finding of eligibility.

(b) If the NAIC issues findings that certain jurisdictions should be considered eligible jurisdictions, the Commissioner shall, if it would serve the best interests of the insuring public and the solvency of ceding insurers, make a determination that jurisdictions on the NAIC list are eligible jurisdictions.

(c) If the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner shall withdraw, by order, the determination of a jurisdiction as an eligible jurisdiction.

(10)(a) If the rating of an eligible reinsurer is below or falls below that required in subsection (4) for the respective amount of credit, the existing credit to the ceding insurer shall be adjusted accordingly. Notwithstanding the change or withdrawal of an eligible reinsurer's rating, the Commissioner, upon a determination that the interest of ensuring market stability and the solvency of the ceding insurer requires it, shall, upon request by the ceding insurer, authorize the ceding insurer to continue to take credit for the reinsurance recoverable, or part thereof, relating to the rating change or withdrawal for some specified period of time following such change or withdrawal, unless the reinsurance recoverable is deemed uncollectible.

(b) If the ceding insurer's experience in collecting recoverables from any eligible reinsurer indicates that the credit to the ceding insurer should be lower, the ceding insurer shall notify the Office of this:

(1) The ceding insurer shall give immediate notice to the Office and provide for the necessary increased reserves with respect to any reinsurance recoverables applicable in the event:

(a) That obligations of an eligible reinsurer for which credit for reinsurance was taken under this rule are more than 90 days past due and not in dispute; or

(b) That there is any indication or evidence that any eligible reinsurer, with whom the ceding insurer has a contract, fails to substantially comply with the solvency requirements under the laws of its domiciliary jurisdiction.

(12) The Commissioner shall disallow all or a portion of the credit based on a review of the ceding insurer's reinsurance program, the financial condition of the eligible reinsurer, the eligible reinsurer's claim payment history, or any other relevant

information when such action is in the best interests of market stability and the solvency of the ceding insurer. At any time, the Commissioner may request additional information from the eligible reinsurer. The failure of an eligible reinsurer to cooperate with the Office is grounds for the Commissioner to withdraw the status of the insurer as an eligible reinsurer or for the disallowance or reduction of the credit granted under this rule.

(13)(a) Upon the entry of an order of rehabilitation, liquidation, or conservation against the ceding insurer, pursuant to Chapter 631, Part I, 681, or the equivalent law of another jurisdiction, an eligible reinsurer, within 20 days of the order, shall fund the entire amount that the ceding insurer has taken, as an asset or deduction from reserves, for reinsurance recoverable from the eligible reinsurer. The reinsurer may request a variance and waiver from this provision as provided by Section 120.642, 648.

(b) If an eligible reinsurer fails to comply on a timely basis with paragraph (a) of this subsection, the Commissioner shall withdraw the reinsurer's eligibility under this rule.

(14) The Commissioner may, by order, determine that credit shall not be allowed to any insurer for reinsurance risk pursuant to this rule if it appears to the Commissioner that granting of the credit to the ceding insurer would not be in the public interest or serve the best interests of the ceding insurer and policy.

(15) Nothing in this rule prohibits a ceding insurer and a reinsurer from entering into agreements establishing collateral requirements in excess of those set forth in this rule.

Special Authority: 824.306, 824.310 (17) 824.306, implemented 824.307(c), 824.310 FS. History: New 10-20-08.

Applicant Name: Endurance Specialty Insurance Ltd.

NAIC No: AA-319430  
FEIN: N/A

**Uniform Consent to Service of Process**

Original Designation: \_\_\_\_\_ Amended Designation: \_\_\_\_\_  
 (must be submitted directly to states)

Insurer Name: Endurance Specialty Insurance Ltd.

Previous Name (if applicable): N/A

Home Office Address: Wellesley House, 90 Picta Bay Road

City, State, Zip: Freshkills, RM08, Bermuda NAIC Code: AA-319430

The entity named above organized under the laws of Bermuda for purposes of complying with the laws of the State(s) designated hereunder relating to the holding of a certificate of authority of the conduct of an insurance business within said State(s). Pursuant to a resolution adopted by its board of directors or other governing body, hereby irrevocably appoints the officers of the State(s) and their successors (identified in Exhibit A, or where applicable, appoints the required agent so designated in Exhibit A hereunder as its attorney-in-fact in such State(s) upon whom may be served any notice, process or pleading as required by law as reflected on Exhibit A in any action or proceeding against it in the State(s) so designated and does hereby consent that any lawful action or proceeding against it may be commenced in any court of competent jurisdiction and compliance with the State(s) so designated and a proper judicial process against it which is served under this appointment shall be of the same legal force and validity as if served on the entity directly. This appointment shall be binding upon any successor to the above named entity that acquires the entity's assets or assumes its liabilities by merger, reorganization or otherwise and shall be binding as long as there is a contract in force or liability of the entity (or its successor) in the State(s). The entity hereby waives all claims of error by reason of such service. The entity named above agrees to furnish an amended designation form upon change in any of the information provided on this power of attorney.

**Applicant Officers' Certification and Attestation**

One of the two Officers (listed below) of the Applicant must read the following very carefully and sign:

- I acknowledge that I am authorized to execute and am executing this document on behalf of the Applicant.
- I hereby certify under penalty of perjury under the laws of the applicable jurisdiction that all of the foregoing is true and correct, executed at Freshkills, Bermuda.

5/18/12  
Date

5/18/12  
Date

[Signature]  
Signature of President  
David S. B. Gubb  
Full Legal Name of President

[Signature]  
Signature of Secretary  
John Virgilio Del Sol  
Full Legal Name of Secretary



**Uniform Consent to Service of Process**

**Exhibit A**

Place an "X" before the names of all the States for which the person executing this form is appointing the designated agent in that State for receipt of service of process.

<input type="checkbox"/>	AL	Commissioner of Insurance # and Resident Agent*	<input type="checkbox"/>	MT	Commissioner of Insurance #
<input type="checkbox"/>	AK	Director of Insurance #	<input type="checkbox"/>	NE	Officer of Company* or Resident Agent* (circle one)
<input type="checkbox"/>	AZ	Director of Insurance # ^	<input type="checkbox"/>	NH	Commissioner of Insurance #
<input type="checkbox"/>	AR	Resident Agent*	<input type="checkbox"/>	NV	Commissioner of Insurance of Insurance Commission # ^
<input type="checkbox"/>	AS	Commissioner of Insurance #	<input type="checkbox"/>	NI	Commissioner of Banking and Insurance # ^
<input type="checkbox"/>	CO	Commissioner of Insurance # or Resident Agent* (circle one) ^	<input type="checkbox"/>	NM	Superintendent of Insurance #
<input type="checkbox"/>	CT	Commissioner of Insurance #	<input type="checkbox"/>	NY	Superintendent of Financial Services #
<input type="checkbox"/>	DC	Commissioner of Insurance #	<input type="checkbox"/>	NC	Commissioner of Insurance
<input type="checkbox"/>	DE	Local Agent*	<input type="checkbox"/>	ND	Commissioner of Insurance # ^
<input type="checkbox"/>	FL	Chief Executive Officer # ^	<input type="checkbox"/>	OH	Resident Agent*
<input type="checkbox"/>	GA	Commissioner of Insurance and Safety Fire # and Resident Agent*	<input type="checkbox"/>	OR	Resident Agent*
<input type="checkbox"/>	GU	Commissioner of Insurance #	<input type="checkbox"/>	OK	Commissioner of Insurance #
<input type="checkbox"/>	HI	Insurance Commissioner # and Resident Agent*	<input type="checkbox"/>	PR	Commissioner of Insurance #
<input type="checkbox"/>	ID	Director of Insurance # ^	<input type="checkbox"/>	RI	Commissioner of Insurance #
<input type="checkbox"/>	IL	Director of Insurance #	<input type="checkbox"/>	SC	Director of Insurance #
<input type="checkbox"/>	IN	Resident Agent* ^	<input type="checkbox"/>	SD	Director of Insurance # ^
<input type="checkbox"/>	IA	Commissioner of Insurance #	<input type="checkbox"/>	TN	Commissioner of Insurance #
<input type="checkbox"/>	KS	Commissioner of Insurance #	<input type="checkbox"/>	TX	Resident Agent*
<input type="checkbox"/>	KY	Secretary of State #	<input type="checkbox"/>	UT	Resident Agent* ^
<input type="checkbox"/>	LA	Secretary of State #	<input type="checkbox"/>	VT	Secretary of State #
<input type="checkbox"/>	MD	Insurance Commissioner #	<input type="checkbox"/>	VI	Lieutenant Governor/Commissioner #
<input type="checkbox"/>	ME	Resident Agent* ^	<input type="checkbox"/>	WA	Insurance Commissioner #
<input type="checkbox"/>	MI	Resident Agent*	<input type="checkbox"/>	WV	Secretary of State # ^
<input type="checkbox"/>	MN	Commissioner of Commerce #	<input type="checkbox"/>	WY	Commissioner of Insurance #
<input type="checkbox"/>	MS	Commissioner of Insurance and Resident Agent* BOTH are required.			

- \* For the forwarding of Service of Process received by a State Officer complete Exhibit B listing by state the entities (one per state) with full name and address where service of process is to be forwarded. Use additional pages as necessary. Exhibit not required for New Jersey and North Carolina. Florida accepts only an individual as the entity and requires an email address. New Jersey allows but does not require a foreign insurer to designate a specific forwarding address on Exhibit B. SC will not forward to an individual by name; however, it will forward to a position, e.g. Attention: President (or Compliance Officer, etc.). Washington requires an email address on Exhibit B.
  - \* Attach a completed Exhibit B listing the Resident Agent for the insurer (one per state). Include state name, Resident Agent's full name and street address. Use additional pages as necessary. (DC\* requires an agent within a ten mile radius of the District).
  - ^ Initial pleading only; Kansas requires two signatures.
  - ⊙ Form accepted only as part of a Uniform Certificate of Authority application.
- MA will send the required form to the applicant when the approval process reaches that point.

**EXHIBIT A**

EXHIBIT B

Complete for each state indicated in Exhibit A:

State: RI Name of Entity: Endurance Specialty Insurance Ltd. c/o Daniel S. Lurie

Phone Number: 914-468-8009 Fax Number: 914-206-4369

Email Address: dlurie@enduranceservices.com

Mailing Address: 333 Westchester Avenue, White Plains, NY 10606

Street Address: 333 Westchester Avenue, White Plains, NY 10606

State: \_\_\_\_\_ Name of Entity: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

State: \_\_\_\_\_ Name of Entity: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

State: \_\_\_\_\_ Name of Entity: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

State: \_\_\_\_\_ Name of Entity: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

EXHIBIT B

Resolution Authorizing Appointment of Attorney

BE IT RESOLVED by the Board of Directors or other governing body of

Endurance Specialty Insurance Ltd.

(company name)

On the 13th day of Feb, 2008, that the President or Secretary of said entity be and are hereby authorized by the Board of Directors and directed to sign and execute the Uniform Consent to Service of Process to give irrevocable consent that actions may be commenced against said entity in the proper court of any jurisdiction in the state(s) of

Florida

in which the action shall arise, or in which plaintiff may reside, by service of process in the state(s) indicated above and irrevocably appoint the officer(s) of the state(s) and their successors in such office or appoint the agent(s) as designated in the Uniform Consent to Service of Process and stipulate and agree that such service of process shall be taken and held in all courts to be as valid and binding as if due service had been made upon said entity according to the laws of said state.

CERTIFICATION

I, John V. Del Gal

Secretary of

Endurance Specialty Insurance Ltd.

(company name)

state that this is a true and accurate copy of the resolution adopted effective the 13th day of Feb, 2008 by the Board of Directors or governing board at a meeting held on the 13th day of Feb, 2008, or by written consent dated      day of     , 20    .

  
Secretary



**FILED**

DEC 31 2013

OFFICE OF  
INSURANCE REGULATION

Docketed by: ZZ

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 125668-12

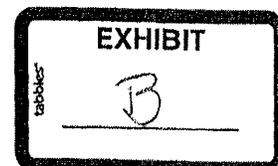
ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

ORDER

To: Endurance Specialty Insurance Ltd.  
c/o John R. Charman  
Chief Executive Officer  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

THIS CAUSE came on for consideration upon the expiration of Consent Order 125668-12-CO (attached as exhibit "A" and hereby incorporated by reference) and by the request of ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE"). The OFFICE OF INSURANCE REGULATION (hereinafter referred to as "OFFICE"), following a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. ENDURANCE's status as an Eligible Reinsurer expires pursuant to Consent Order 125668-12-CO on December 31, 2013 at 11:59 P.M.

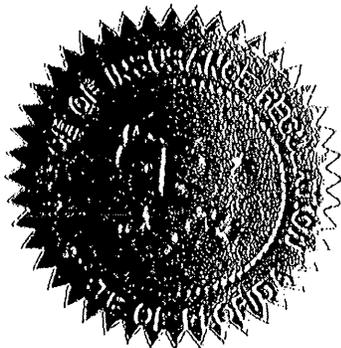


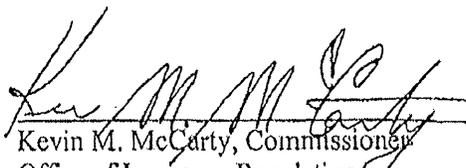
3. ENDURANCE has petitioned the OFFICE to continue its status as an Eligible Reinsurer.

4. The OFFICE finds that ENDURANCE is still in compliance with all of the requirements of the Florida Insurance Code, Florida Administrative Code, and Consent Order 125668-12-CO.

WHEREFORE, paragraph 12 of Consent Order 125668-12-CO is hereby modified to "This Consent Order shall expire on December 31, 2014 at 11:59 PM, unless extended by written approval of the OFFICE." All other terms and conditions contained in Consent Order No. 125668-12-CO, not otherwise modified as above, shall remain in full force and effect, and all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 31<sup>st</sup> day of December, 2013.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

COPIES FURNISHED TO:

JOHN R. CHARMAN, CHIEF EXECUTIVE OFFICER  
Endurance Specialty Insurance Company  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda  
E-Mail: [jcharman@endurance.bm](mailto:jcharman@endurance.bm)  
cc. Fran Marsala: [fmarsala@endurance services.com](mailto:fmarsala@endurance services.com)

SANDY P. FAY, ESQ.  
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One Financial Plaza 23<sup>rd</sup> Floor  
100 SouthEast 3<sup>rd</sup> Avenue  
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Tallahassee, Florida 32301  
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Property & Casualty Financial Oversight  
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Telephone: (850) 413-4220  
E-Mail: [virginia.christy@floi.com](mailto:virginia.christy@floi.com)



**FILED**

DEC 29 2014

OFFICE OF  
INSURANCE REGULATION  
Docketed by:                     

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 125668-12

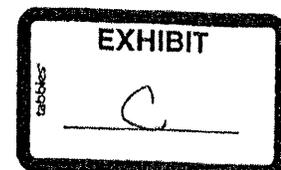
ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

ORDER

To: Endurance Specialty Insurance Ltd.  
c/o David Cash  
Chief Executive Officer  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

THIS CAUSE came on for consideration upon the expiration of Consent Order 125668-12-CO (attached as exhibit "A" and hereby incorporated by reference), as extended by Order 125668-12, dated December 31, 2013 (attached as exhibit "B" and hereby incorporated by reference), and by the request of ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE"). The OFFICE OF INSURANCE REGULATION (hereinafter referred to as "OFFICE"), following a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.



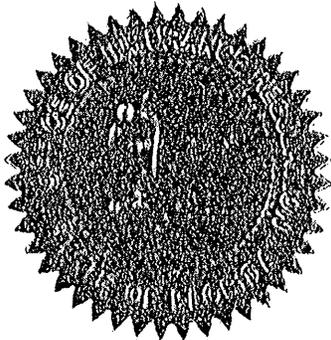
2. Pursuant to Consent Order 125668-12-CO, ENDURANCE's status as an Eligible Reinsurer was to expire on December 31, 2013, at 11:59 P.M. Such expiration date was extended to December 31, 2014, at 11:59 P.M. by Order 125668-12, dated December 31, 2013.

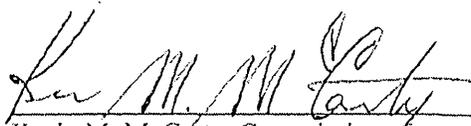
3. ENDURANCE has petitioned the OFFICE to continue its status as an Eligible Reinsurer.

4. Based on documentation submitted and representations made by ENDURANCE, ENDURANCE remains eligible to continue its status as an Eligible Reinsurer.

WHEREFORE, paragraph 12 of Consent Order 125668-12-CO is hereby modified to reflect "This Consent Order shall expire on December 31, 2015, at 11:59 PM, unless extended by written approval of the OFFICE." All other terms and conditions contained in Consent Order 125668-12-CO, not otherwise modified as above, shall remain in full force and effect, and all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 29<sup>th</sup> day of December, 2014.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

COPIES FURNISHED TO:

DAVID CASH, CHIEF EXECUTIVE OFFICER  
Endurance Specialty Insurance Company  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

SANDY P. FAY, ESQ.  
Colodny, Fass, Talenfeld, Karlinsky & Abate P.A.  
One Financial Plaza 23<sup>rd</sup> Floor  
100 SouthEast 3<sup>rd</sup> Avenue  
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Tallahassee, Florida 32301  
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RACHIC' A. WILSON, ASSISTANT GENERAL COUNSEL  
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Telephone: (850) 413-1421  
E-Mail: [rachic.wilson@floir.com](mailto:rachic.wilson@floir.com)



OFFICE OF INSURANCE REGULATION

FILED

OCT 22 2015

OFFICE OF  
INSURANCE REGULATION

Docketed by: OSR

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 125668-12

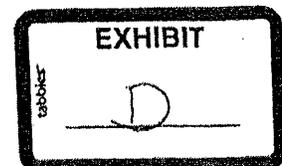
ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

ORDER

To: Endurance Specialty Insurance Ltd.  
c/o John Charman  
Chief Executive Officer  
Waterloo House  
100 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

THIS CAUSE came on for consideration upon the expiration of Consent Order 125668-12-CO (attached as exhibit "A" and hereby incorporated by reference), as extended by Order 125668-12, dated December 29, 2014 (attached as exhibit "B" and hereby incorporated by reference) and by the request of ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE"). The OFFICE OF INSURANCE REGULATION (hereinafter referred to as "OFFICE"), following a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. ENDURANCE's status as an Eligible Reinsurer expires pursuant to Consent Order 125668-12-CO on December 31, 2015 at 11:59 P.M.



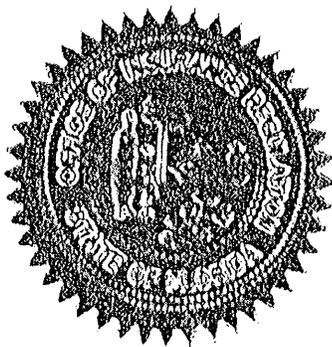
3. ENDURANCE has petitioned the OFFICE to continue its status as an Eligible Reinsurer.

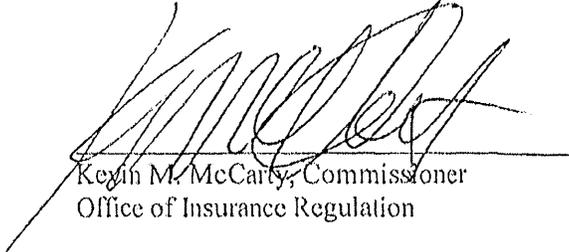
4. The OFFICE finds, based on documentation submitted and representations made by ENDURANCE, that ENDURANCE is still in compliance with all of the requirements of the Florida Insurance Code, Florida Administrative Code, and Consent Order 125668-12-CO.

5. Subsequent to the issuance of Consent Order 125668-12-CO, the OFFICE amended Rule 690-144.007, Florida Administrative Code (attached as exhibit "C" and hereby incorporated by reference). The amended rule included a change from the term "Eligible Reinsurer" to "Certified Reinsurer."

WHEREFORE, paragraph 12 of Consent Order 125668-12-CO is hereby modified to "This Consent Order shall expire on December 31, 2016 at 11:59 PM, unless extended by written approval of the OFFICE." Additionally, any reference to "Eligible Reinsurer" will now reflect "Certified Reinsurer." All other terms and conditions contained in Consent Order No. 125668-12-CO, not otherwise modified as above, shall remain in full force and effect, and all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 22<sup>nd</sup> day of October, 2015.



  
Keyin M. McCarty, Commissioner  
Office of Insurance Regulation

COPIES FURNISHED TO:

JOHN CHARMAN, CHIEF EXECUTIVE OFFICER  
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Tallahassee, Florida 32399-4206  
Telephone: (850) 413-4220  
E-Mail: [virginia.christy@fioir.com](mailto:virginia.christy@fioir.com)



OFFICE OF INSURANCE REGULATION

**FILED**

MAR 07 2016

OFFICE OF  
INSURANCE REGULATION

Docketed by:                     

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 185220-16-CO

ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

AMENDMENT TO CONSENT ORDER

THIS CAUSE came on for consideration as a result of an agreement between ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as “ENDURANCE”) and the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the “OFFICE”) regarding the status of ENDURANCE as a Certified Reinsurer in the state of Florida. Following a complete review of the record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. ENDURANCE is a Certified Reinsurer in the state of Florida pursuant to Section 624.610(3)(e), Florida Statutes, Rule 69O-144.007, Florida Administrative Code, and the Consent Order that was executed by ENDURANCE and the OFFICE on December 21, 2015, case number 182857-CO-15 (“Consent Order 182857-CO-15,” attached as Exhibit A).
3. Paragraphs 11 and 13 of Consent Order 182857-CO-15 limited ENDURANCE’s Certified Reinsurer status to property catastrophe reinsurance. Upon agreement between ENDURANCE and the OFFICE, Paragraphs 11 and 13 of Consent Order 182857-CO-15 are hereby revised to eliminate said restrictions.

4. Accordingly, Paragraph 11 of Consent Order 182857-CO-15 is hereby replaced with the following language:

11. Based on ENDURANCE's secure financial strength ratings, for purposes of Rule 69O-144.007(4), Florida Administrative Code, ENDURANCE acknowledges that the collateral required for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded be no less than fifty percent (50%), unless otherwise amended by the OFFICE. Said collateral requirement shall take effect only for agreements incepting on or after July 28, 2015, up until such time as the collateral requirement may be further amended by the OFFICE. For agreements incepting after May 31, 2012, and before July 28, 2015, twenty percent (20%) is still the minimum collateral ENDURANCE is required to post for a ceding company to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to ENDURANCE.

5. Paragraph 13 of Consent Order 182857-CO-15 is hereby replaced with the following language:

13. Pursuant to Rule 69O-144.007(8)(d)(2), Florida Administrative Code, ENDURANCE shall assume only the kind or kinds of reinsurance ceded by ceding insurers for which ENDURANCE is authorized in its domiciliary jurisdiction.

6. All other terms and conditions in Consent Order 182857-CO-15 shall remain in full force and effect.

7. Each party to this action shall bear its own costs and attorneys' fees.

8. ENDURANCE expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE, and all further and other proceedings to which it may be entitled by law or rules of the OFFICE. ENDURANCE hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum now or in the future available to it, including the rights to any administrative proceeding, circuit or federal court action, or any appeal.

9. ENDURANCE and the OFFICE agree that this Consent Order shall be deemed to be executed when the OFFICE has signed a copy of this Consent Order bearing the signature of ENDURANCE or its authorized representative notwithstanding the fact that the copy was transmitted to the OFFICE electronically. Further, ENDURANCE agrees that its signature as affixed to this Consent Order shall be under the seal of a Notary Public.

WHEREFORE, the agreement between ENDURANCE SPECIALTY INSURANCE LTD. and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions above are hereby ORDERED.

DONE and ORDERED this 7<sup>th</sup> day of March, 2016.



A handwritten signature in black ink, reading "Kevin M. McCarty", is written over a horizontal line.

Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, ENDURANCE SPECIALTY INSURANCE LTD. consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind ENDURANCE SPECIALTY INSURANCE LTD. to the terms and conditions of this Consent Order.

ENDURANCE SPECIALTY INSURANCE LTD.

By: *John V. Del Col*

[Corporate Seal]

Print Name: John V. Del Col

Title: Secretary

Date: February 29, 2016

STATE OF New York  
COUNTY OF Westchester

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of Feb. 2016,

by John V. Del Col as Secretary  
(name of person) (type of authority; e.g., officer, trustee, attorney in fact)

for Endurance Specialty Insurance Ltd.  
(company name)

*Maria Linares (Arroyo)*  
(Signature of the Notary)

Maria Linares (Arroyo)  
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known  or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires February 23, 2017

MARIA ARROYO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01AR6201373  
Qualified in Westchester County  
My Commission Expires February 23, 2017

COPIES FURNISHED TO:

JOHN CHARMAN, CHIEF EXECUTIVE OFFICER

Endurance Specialty Insurance Ltd.

Waterloo House

100 Pitts Bay Road

Pembroke, HM 08

Bermuda

E-Mail: [jcharman@endurance.bm](mailto:jcharman@endurance.bm)

ROBERT RIDENOUR, DIRECTOR

Office of Insurance Regulation

200 East Gaines Street

Tallahassee, FL 32399

PATRICK D. FLEMMING, ASSISTANT GENERAL COUNSEL

Office of Insurance Regulation

200 East Gaines Street

Tallahassee, FL 32399

E-Mail: [Patrick.Flemming@floi.com](mailto:Patrick.Flemming@floi.com)

# EXHIBIT

A



**FILED**

**DEC 21 2015**

OFFICE OF  
INSURANCE REGULATION  
Docketed by: LOKS

OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 182857-CO-15

ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

CONSENT ORDER

THIS CAUSE came on for consideration as a result of an agreement between ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE") and the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE") in response to changes to the security requirements applicable to ENDURANCE's financial strength ratings. Following a complete review of the record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. ENDURANCE is a stock insurer organized under the laws of Bermuda whose shares are owned one hundred percent (100%) by Endurance Specialty Holdings, Ltd., a Bermuda holding company.
3. ENDURANCE is also a Certified Reinsurer in the state of Florida pursuant to Section 624.610(3)(e), Florida Statutes, Rule 69O-144.007, Florida Administrative Code, and the Consent Order that was executed by ENDURANCE and the OFFICE on May 31, 2012, case number 125668-12-CO ("Consent Order 125668-12-CO," attached as Exhibit A).

4. The Consent Order was amended three times to extend ENDURANCE's status as a Certified Reinsurer (collectively, the "Orders"): first, by Order of the OFFICE dated December 31, 2013; second, by Order of the Office dated December 29, 2014; and third, by Order of the Office dated October 22, 2015. *See* attached Exhibits B, C, and D, respectively. Consent Order 125668-12-CO was set to expire on December 31, 2016, at 11:59 PM unless extended by written approval of the OFFICE.

5. To consolidate the prior Orders and Consent Order 125668-12-CO and address a change to the security requirements in Rule 69O-144.007, Florida Administrative Code, ENDURANCE and the OFFICE hereby execute this Consent Order and agree that it shall supersede Consent Order 125668-12-CO and govern ENDURANCE's status as a Certified Reinsurer in the state of Florida.

6. ENDURANCE has represented and the OFFICE finds that ENDURANCE is still in compliance with all of the requirements of the Florida Insurance Code and Florida Administrative Code to being a Certified Reinsurer in the state of Florida.

7. ENDURANCE represents that its purpose for being a Certified Reinsurer under Section 624.610(3)(e), Florida Statutes, and Rule 69O-144.007, Florida Administrative Code, is to allow ceding insurers to take credit in their accounting and in financial statements on account of such reinsurance ceded without ENDURANCE posting full collateral.

8. The minimum collateral a Certified Reinsurer is required to post for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded is based on the secure rating the Certified Reinsurer is assigned by the Office. Pursuant to Rule 69O-144.007(8)(e)1., Florida Administrative Code:

The maximum rating that a certified reinsurer may be assigned will correspond to its financial strength rating as outlined in subsection (4) of this rule. The Office

shall use the lowest financial strength rating received from a rating agency indicated in paragraph 3(a)-(e) of this rule in establishing the maximum rating of a certified reinsurer.

9. ENDURANCE represents that it has current financial strength ratings of “A” from A.M. Best’s, “A” from Standard & Poor’s, and “A3” from Moody’s.

10. Effective July 28, 2015, Rule 69O-144.007(4), Florida Administrative Code, was amended so that, among other things, a rating of A3 from Moody’s now corresponds to a Secure – 4 rating and a collateral requirement of fifty percent (50%).

11. Based on ENDURANCE’s secure financial strength ratings, for purposes of Rule 69O-144.007(4), Florida Administrative Code, ENDURANCE acknowledges that the collateral required for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded be no less than fifty percent (50%), unless otherwise amended by the OFFICE. Said collateral requirement shall only apply to property catastrophe reinsurance being provided by the ENDURANCE to ceding insurers in Florida and shall take effect only for agreements incepting on or after July 28, 2015, up until such time as the collateral requirement may be further amended by the OFFICE. For agreements incepting after May 31, 2012, and before July 28, 2015, twenty percent (20%) is still the minimum collateral ENDURANCE is required to post for a ceding company to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to ENDURANCE.

12. ENDURANCE represents that it has established collateral security in the form of letters of credit for purposes of securing its U.S. liabilities to U.S. cedant insurers and that such letters of credit comply with Section 624.610(4)(c), Florida Statutes, and Rule 69O-144.005(6), Florida Administrative Code. Endurance agrees that any other form of security it utilizes in lieu

of letters of credit shall comply with Section 624. 610, Florida Statutes, and Rule 69O-144.007, Florida Administrative Code.

13. Pursuant to Rule 69O-144.007(8)(d)(2), Florida Administrative Code, ENDURANCE shall assume only the kind or kinds of reinsurance ceded by ceding insurers for which ENDURANCE is authorized in its domiciliary jurisdiction. Further, Endurance acknowledges that its Certified Reinsurer status shall only apply to property catastrophe reinsurance.

14. ENDURANCE acknowledges that in order to maintain its status as a Certified Reinsurer, it is required to file annually with the OFFICE all documentation required by Rule 69O-144.007(8)(h), Florida Administrative Code.

15. ENDURANCE submits to the jurisdiction of the United States' courts and has appointed an agent for service of process in Florida (attached as Exhibit E). Furthermore, ENDURANCE agrees to post one hundred percent (100%) collateral for its Florida liabilities if it resists the enforcement of a valid and final judgment from a court in the United States or if otherwise required by the OFFICE pursuant to Rule 69O-144.007, Florida Administrative Code.

16. ENDURANCE affirms that all representations made herein and in connection with this Consent Order are true and material to the issuance of this Consent Order. ENDURANCE further acknowledges that all requirements set forth herein are material to the issuance of this Consent Order.

17. ENDURANCE agrees that it will adhere to the continuing requirements for a Certified Reinsurer as described in Rule 69O-144.007, Florida Administrative Code.

18. ENDURANCE shall report to the OFFICE, Bureau of Property & Casualty Financial Oversight, any time that it is named as a party defendant in a class action lawsuit

within fifteen (15) days after the class is certified, and ENDURANCE shall include a copy of the complaint at the time it reports the class action lawsuit to the OFFICE.

19. This Consent Order shall remain in effect and ENDURANCE's status as a Certified Reinsurer shall continue until ENDURANCE either surrenders its status, fails to meet the requirements of the Florida Insurance Code or Rule 69O-144.007, Florida Administrative Code, or has its status withdrawn pursuant to Rule 69O-144.007, Florida Administrative Code, or this Consent Order.

20. ENDURANCE agrees that, upon execution of this Consent Order by the OFFICE, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in the withdrawal of ENDURANCE's status as a Certified Reinsurer in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

21. The deadlines set forth in this Consent Order may be extended by written approval of the OFFICE. Approval of any deadline extension is subject to statutory or administrative regulation limitations.

22. Each party to this action shall bear its own costs and attorneys' fees.

23. Executive Order 13224, signed by President George W. Bush on September 23, 2001, blocks the assets of terrorists and terrorist support organizations identified by the United States Department of the Treasury, Office of Foreign Assets Control. The Executive Order also prohibits any transactions by U.S. persons involved in the blocked assets and interests. The list of identified terrorists and terrorist support organizations is periodically updated at the Treasury Department's Office of Foreign Assets Control website, <http://www.treas.gov/ofac>. APPLICANT shall maintain and adhere to procedures necessary to detect and prevent prohibited

transactions with individuals and entities that have been identified at the Treasury Department's Office of Foreign Assets Control website.

24. ENDURANCE expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE, and all further and other proceedings to which it may be entitled by law or rules of the OFFICE. ENDURANCE hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum now or in the future available to it, including the rights to any administrative proceeding, circuit or federal court action, or any appeal.

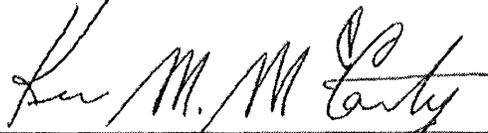
25. ENDURANCE and the OFFICE agree that this Consent Order shall be deemed to be executed when the OFFICE has signed a copy of this Consent Order bearing the signature of ENDURANCE or its authorized representative notwithstanding the fact that the copy was transmitted to the OFFICE electronically. Further, ENDURANCE agrees that its signature as affixed to this Consent Order shall be under the seal of a Notary Public.

WHEREFORE, the agreement between ENDURANCE SPECIALTY INSURANCE LTD. and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions above are hereby ORDERED.

DONE and ORDERED this 21<sup>st</sup> day of December, 2015.



  
\_\_\_\_\_  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, ENDURANCE SPECIALTY INSURANCE LTD. consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind ENDURANCE SPECIALTY INSURANCE LTD. to the terms and conditions of this Consent Order.

ENDURANCE SPECIALTY INSURANCE LTD.

By: *John V. Del Col*

[Corporate Seal]

Print Name: John V. Del Col

Title: General Counsel & Secretary

Date: December 18, 2015

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of Dec. 2015,

by JOHN V. DEL COL as GENERAL COUNSEL & SECRETARY  
(name of person) (type of authority; e.g., officer, trustee, attorney in fact)

for ENDURANCE SPECIALTY INSURANCE LTD.  
(company name)

*Laura Haytman*  
(Signature of the Notary)

LAURA HAYTMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01HA6155614

Qualified in Westchester County  
(Print, Type or Stamp Commissioned Name of Notary)  
My Commission Expires November 13, 2018

Personally Known  or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires \_\_\_\_\_

COPIES FURNISHED TO:

JOHN CHARMAN, CHIEF EXECUTIVE OFFICER  
Endurance Specialty Insurance Ltd.  
Waterloo House  
100 Pitts Bay Road  
Pembroke, HM 08  
Bermuda  
E-Mail: [jcharman@endurance.bm](mailto:jcharman@endurance.bm)

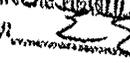
ROBERT RIDENOUR, DIRECTOR  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, FL 32399

PATRICK D. FLEMMING, ASSISTANT GENERAL COUNSEL  
Office of Insurance Regulation  
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Tallahassee, FL 32399  
E-Mail: [Patrick.Flemming@floi.com](mailto:Patrick.Flemming@floi.com)



FILED

MAY 31 2012

OFFICE OF  
INSURANCE REGULATION  
Docketed by: 

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

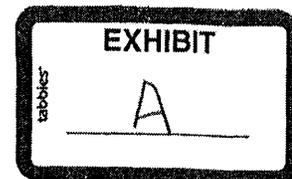
CASE NO.: 125668-12-CO

ENDURANCE SPECIALTY INSURANCE LTD.

CONSENT ORDER

THIS CAUSE came on for consideration upon the filing of an application with the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE") by ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "APPLICANT") to become an Eligible Reinsurer (hereinafter referred to as "Application"); pursuant to Section 624.610(3)(c), Florida Statutes, and Rule 69C-144.007, Florida Administrative Code (which is hereby incorporated by reference and attached as Exhibit A). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds, as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. APPLICANT has applied for and, subject to the present and continuing satisfaction of the requirements, terms, and conditions established herein, met all of the conditions precedent to becoming an Eligible Reinsurer in Florida, pursuant to the requirements set forth by the Florida Insurance Code.



3. APPLICANT is a stock insurer organized under the laws of Bermuda, and whose shares are owned and controlled one hundred percent (100%) by Endurance Specialty Holdings Ltd., a Bermuda holding company.

4. APPLICANT has represented that the purpose of its Application to become an Eligible Reinsurer under Section 624.610(2)(c), Florida Statutes, and Rule 690-144.007, Florida Administrative Code, is to allow ceding insurers (defined in the Rule as domestic insurers) to take credit in their accounting and in financial statements on account of such reinsurance ceded without full collateral.

5. In determining APPLICANT's qualifications as an Eligible Reinsurer pursuant to Section 624.610(2)(c), Florida Statutes, and Rule 690-144.007, Florida Administrative Code, the OFFICE has considered the following information submitted by APPLICANT or obtained by the OFFICE:

a. APPLICANT's statutory capital and surplus of two billion, four hundred twenty-two million, three hundred ninety-eight thousand U.S. Dollars (\$2,422,398,000) as reported in its statutory financial statement as of December 31, 2011, which exceeds the two hundred fifty million U.S. Dollars (\$250,000,000) surplus requirement under Section 624.610(3)(c), Florida Statutes;

b. APPLICANT's secure financial strength rating from at least two (2) statistical rating organizations deemed acceptable by the Commissioner as having experience and expertise in rating insurers doing business in Florida;

c. The domiciliary regulatory jurisdiction of the APPLICANT;

d. APPLICANT's domiciliary regulator structure and authority with regard to solvency regulation requirements and financial surveillance;

e. The substance of financial and operating standards required by APPLICANT's domiciliary regulator;

f. The form and substance of financial reports or other public financial statements required to be filed by the reinsurers in APPLICANT's domiciliary jurisdiction in accordance with generally accepted accounting principles;

g. APPLICANT's domiciliary regulator's willingness to cooperate with United States regulators in general and the OFFICE in particular;

h. The history and performance of reinsurers in APPLICANT's domiciliary jurisdiction; and

i. Other pertinent information submitted by APPLICANT pursuant to Section 624.610(3)(c), Florida Statutes, and Rule 690-144.007, Florida Administrative Code.

6. APPLICANT shall adhere to the continuing requirements for an Eligible Reinsurer as described in Rule 690-144.007, Florida Administrative Code.

7. For purposes of Rule 690-144.007(4), Florida Administrative Code, APPLICANT acknowledges the collateral required for the ceding insurer to take one hundred percent (100%) credit in its financial statements on account of such reinsurance ceded to be no less than twenty percent (20%), unless otherwise amended by the OFFICE. Said collateral requirement shall only apply to property catastrophe reinsurance being provided by the APPLICANT to ceding insurers in Florida and shall take effect for agreements incepting on or after the date of execution of this Consent Order up until such time as the collateral requirement may be amended by the OFFICE.

8. APPLICANT represents in its Application that it will establish collateral security in the form of Letters of Credit for purposes of securing its U.S. liabilities to U.S. cedant

Insurers. Such Letters of Credit shall comply with Section 624.610(4)(c), Florida Statutes, and Rule 690-144.005(6), Florida Administrative Code. Further, any other form of security utilized by APPLICANT in lieu of Letters of Credit shall comply with Section 624.610, Florida Statutes, and Rule 690-144.007, Florida Administrative Code.

9. Pursuant to Rule 690-144.007(8)(c)(2), Florida Administrative Code, APPLICANT shall assume only the kind or kinds of reinsurance ceded by ceding insurers for which APPLICANT is authorized in its domiciliary jurisdiction. Further, APPLICANT acknowledges that the eligible reinsurer status shall only apply to property catastrophe reinsurance.

10. APPLICANT acknowledges that in order to maintain its eligible reinsurer status it is required to file annually with the OFFICE all documentation required by Rule 690-144.007(8)(b)1.-3., Florida Administrative Code, on or before the anniversary date of the execution of this Consent Order.

11. APPLICANT submits to the jurisdiction of the United States courts and has appointed an agent for service of process in Florida (attached as Exhibit B). Furthermore, APPLICANT agrees to post one hundred percent (100%) collateral for its Florida liabilities if it resists the enforcement of a valid and final judgment from a court in the United States or if otherwise required by the OFFICE pursuant to Rule 690-144.007, Florida Administrative Code.

12. This Consent Order shall expire on December 31<sup>st</sup>, 2013 at 11:59 PM.

13. APPLICANT shall report to the OFFICE, Bureau of Property & Casualty Financial Oversight, any time that it is named as a party defendant in a class action lawsuit, within fifteen (15) days after the class is certified, and APPLICANT shall include a copy of the complaint at the time it reports the class action lawsuit to the OFFICE.

14. APPLICANT shall pay within thirty (30) days of execution of this Consent Order, two thousand five hundred U.S. Dollars (\$2,500) for legal costs associated with this Consent Order.

15. The deadlines set forth in this Consent Order may be extended by written approval of the OFFICE. Approval of any deadline extension is subject to statutory or administrative regulation limitations.

16. APPLICANT affirms that all representations are true and all requirements set forth herein are material to the issuance of this Consent Order.

17. APPLICANT shall report to the OFFICE within sixty (60) days from the date of the execution of this Consent Order a certification evidencing compliance with all of the requirements of this Consent Order. Any exceptions shall be so noted and contained in the certification. Exceptions noted in the certification shall also include a timeline defining when the outstanding requirements of the Consent Order will be complete. Said certification shall be submitted to the OFFICE via electronic mail and directed to the attention of the Assistant General Counsel representing the OFFICE in this matter and as named in this Consent Order.

18. APPLICANT agrees that, upon execution of this Consent Order by the OFFICE, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in the withdrawal of APPLICANT's status as an Eligible Reinsurer in this state, in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

19. Executive Order 13224, signed by President George W. Bush on September 23, 2001, blocks the assets of terrorists and terrorist support organizations identified by the United States Department of the Treasury, Office of Foreign Assets Control. The Executive Order also prohibits any transactions by U.S. persons involved in the blocked assets and interests. The list

of identified terrorists and terrorist support organizations is periodically updated at the Treasury Department's Office of Foreign Assets Control website, [www.treas.gov/ofac](http://www.treas.gov/ofac). APPLICANT shall maintain and adhere to procedures necessary to detect and prevent prohibited transactions with individuals and entities which have been identified at the Treasury Department's Office of Foreign Assets Control website.

20. APPLICANT expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE and all further and other proceedings herein to which the parties may be entitled by law or rules of the OFFICE. APPLICANT hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum now or in the future available to it, including the right to any administrative proceeding, state or federal court action, or any appeal.

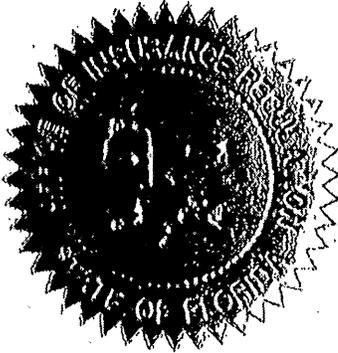
21. Except as noted in this Consent Order, each party to this action shall bear its own costs and fees.

22. The parties agree that this Consent Order shall be deemed to be executed when the OFFICE has executed a copy of this Consent Order bearing the signature of APPLICANT or its authorized representative, notwithstanding the fact that the copy may have been transmitted to the OFFICE electronically. Further, APPLICANT agrees that its signature as affixed to this Consent Order shall be under the seal of a Notary Public.

WHEREFORE, the agreement between ENDURANCE SPECIALTY INSURANCE LTD, and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 31st day of May, 2012.



A handwritten signature in black ink, appearing to read "Kevin M. McCarty". The signature is written in a cursive style with a horizontal line underneath.

Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, ENDURANCE SPECIALTY INSURANCE LTD, consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions and shall be bound by all provisions herein. The undersigned represents that he/she has the authority to bind ENDURANCE SPECIALTY INSURANCE LTD, to the terms and conditions of this Consent Order.

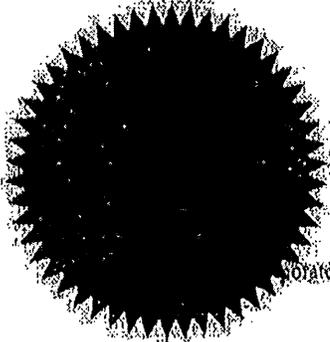
ENDURANCE SPECIALTY INSURANCE LTD,

By: [Signature]

Print Name: John V. Del Col

Title: Secretary

Date: May 23, 2012



[Notary Seal]

CITY OF Hamilton

COUNTRY OF Bermuda

The foregoing instrument was acknowledged before me this 23 day of May, 2012

by John V. Del Col as Secretary  
(name of person) (type of authority, e.g., officer, trustee, attorney in fact)

for Endurance or Specialty Insurance Ltd  
(company name)

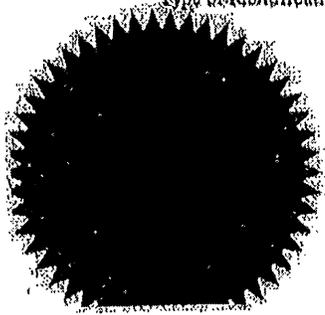
[Signature]  
(Signature of Notary Public)

D. B. Adderley  
(Print, Type, or Stamp Connected Name of Notary Public)

Personally Known  OR Produced Identification: \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

Donald Bradfield Adderley  
NOTARY PUBLIC  
CROWN COURT  
12 VICTORIA STREET  
HAMILTON, BERMUDA



CORIES FURNISHED TO:

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Fort Lauderdale, Florida 33394  
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E-Mail: [sfay@colflaw.com](mailto:sfay@colflaw.com)

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**620.144.007 Credit for Reinsurance from Eligible Reinsurers**

(1) Purpose. Paragraph (3)(c) of Section 624.610, F.S., gives the Commissioner the option to allow credit for reinsurance without full collateral for transactions involving assuming insurers not meeting the requirements of Sections 624.610(3)(a)-(d), F.S. These rules implement that paragraph. This rule does not apply to reinsurers that meet the requirements of Sections 624.610(3)(a)-(d), F.S. This rule is not an attempt to assert extra-jurisdictional jurisdiction. Insurers that write in states other than Florida will need to comply with the laws of those states. This rule applies only to property and casualty insurance; it does not apply to life and health.

(2) Definitions. As used in this rule the following terms have the following meanings:

(a) "Ceding insurer" means a domestic insurer, as defined by paragraph (1) of Section 624.06, F.S.

(b) "Eligible reinsurer" means an assuming insurer which does not meet the requirements of paragraphs (3)(a), (3)(b) or (3)(c) of Section 624.610, F.S., and which has been determined by the commissioner by order to have met the requirements set forth in subsections (7) and (8) of this rule.

(c) "Eligible jurisdiction" means a jurisdiction which has met the requirements set forth in subsection (8) of this rule.

(3) With respect to reinsurance contracts entered into or renewed on or after the effective date of this rule, a ceding insurer may elect to take credit, as an asset or deduction from reserves, for reinsurance ceded to an eligible reinsurer, provided that the eligible reinsurer holds surplus in excess of \$100 million and maintains, on a stand-alone basis separate from its parent or any affiliated entities, a secure financial strength rating from at least two of the rating agencies indicated in paragraphs (a) through (d) of this subsection. The credit is subject to the limitations set forth in this rule. The rating agencies are:

- (a) Standard and Poor's
- (b) Moody's Investors Service
- (c) Fitch Ratings
- (d) A.M. Best Company, or

(4) The collateral required to allow 100% credit shall be no less than the percentage specified for the lowest rating as indicated

below:

Collateral Required	Best	S&P	Moody's	Fitch
0%	A++	AAA	Aaa	AAA
10%	A+	AA+, AA, AA-	Aa1, Aa2, Aa3	AA+, AA, AA-
20%	A, A-	A+, A, A-	A1, A2, A3	A+, A, A-
75%	B++, B+	BBB+, BBB, BBB-	Baa1, Baa2, Baa3	BBB+, BBB, BBB-
100%	B, B-, C+, C, C-, C-, D, D+	BB+, BB, BB-, B+, B-, CCC, CC, C, D, R, NR	Ba1, Ba2, Ba3, B1, B2, B3, Ca, Ca, C	BB+, BB, BB-, B+, B, B-, CCC+, CCC, CC C-, DD

For reinsurance ceded by Florida domestic property insurers for short-tailed lines as defined below, any collateral required to be posted may be subject to a one-year deferral from the date of the first instance of a liability reserve entry as a result of a catastrophic loss from a named hurricane. For these purposes, a short-tailed line of business is defined as any one of the following lines of business as reported on the NAIC annual financial statement:

- Line 1 Fire
- Line 2 Allied Lines
- Line 3 Homeowners multiple peril
- Line 4 Homeowners multiple peril
- Line 5 Commercial multiple peril
- Line 9 Inland marine
- Line 12 Earthquake
- Line 21 Auto physical damage

(5) Nothing in this rule shall be construed to deny the ceding insurer the ability to take credit for reinsurance for the remainder of its liability with an eligible reinsurer so long as those amounts are secured with acceptable collateral pursuant to Section 624.610(4), F.S.



(6) In addition to the trust fund required under paragraph (3)(c) of Section 624.610, F.S., the commissioner shall permit an assuming insurer that maintains a trust fund in a qualified United States financial institution, as that term is defined in paragraph (5)(b) of Section 624.610, F.S., for the payment of the valid claims of its United States cedent insurers and their agents and successors in interest to also maintain in a qualified United States financial institution a trust fund constituting a trusteed fund at least equal to the collateral required in accordance with subsection (4) of this rule to secure the liabilities attributable to United States cedent insurers under reinsurance policies (contracts) entered into or renewed by such assuming insurer on or after the effective date of this rule or such other date as may be established in other states for cedent insurers domiciled in such states; but only when maintenance of such a trust fund serves to protect the interests of the public and the interests of insurer solvency.

(7) A ceding insurer may not take credit pursuant to this rule unless:

(a) The reinsurer has been determined, by order of the commissioner, to be an eligible reinsurer, pursuant to subsection (8) of this rule;

(b) The ceding insurer maintains satisfactory evidence that the eligible reinsurer meets the standards of solvency, including standards for capital adequacy, established by its domestic regulator;

(c) All reinsurance contracts between the ceding insurer and the eligible reinsurer must provide:

1. For an insolvency clause in conformance with Section 624.610(8), F.S.;
2. For a notice of process clause in conformance with Section 624.610(3)(d), and 2, F.S.; and
3. For a submission to jurisdiction clause in conformance with Section 624.610(3)(d), and 2, F.S.

(8) Status as eligible reinsurer:

(a) Application for a determination as an eligible reinsurer under this rule shall be made by cover letter from the insurer requesting a finding of eligibility as a reinsurer pursuant to this rule. The cover letter shall be accompanied with the following:

1. Audited financial statements from inception or for the last 3 years, whichever is less, filed with its domiciliary regulator by the reinsurer or, in the case of a rated group, by the group, pursuant to or including a reconciliation to U.S. GAAP, U.S. Statutory Accounting Principles, or International Financial Reporting Standards (IFRS); the requirement for 3 years reconciliation shall be waived by the office if the commissioner determines that other provided financial information will be as useful in the determination of financial health of the reinsurer;

2. Documentation that the applicant submits to the jurisdiction of the United States courts, appoints an agent for service of process in Florida, and agrees to post 100% collateral for its Florida liabilities if it resists enforcement of a valid and final judgment from a court in the United States; or if otherwise required by the Office pursuant to this rule;

3. A report that provides information to the office as to its ceded and ceding insurance; the information may be provided in the form of the NAIC Property and Casualty Annual Billing Blank Schedule R, or in any manner that provides the Office with the same information about its ceded and ceding insurance that is disclosed by the NAIC Property and Casualty Annual Billing Blank Schedule R;

4. A list of all disputed or overdue recoverables due to or claimed by ceding insurers, whether or not the claims are in litigation or arbitration;

5. A certification from the domiciliary regulator of the insurer that the company is in good standing and that the regulator will provide financial and operational information to the Office.

(b) This determination of eligibility will be made by order executed by the Commissioner.

(c) To become an eligible reinsurer, the reinsurer, at a minimum:

1. Shall hold surplus in excess of \$100 million;
2. Shall be authorized in its domiciliary jurisdiction to assume the kind or kinds of reinsurance ceded by the ceding insurer; and,
3. Shall be domiciled in an eligible jurisdiction as defined in subsection (9).

(d) If the Commissioner determines, based upon the material submitted, and any other relevant information, that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will find, by order, that the insurer is an eligible reinsurer and will set an amount of credit allowed for the reinsurer if lower than the amount set forth in subsection (4).

(e) Every eligible reinsurer shall file the following information annually with the Office, on the anniversary of the order granting it eligibility:

1. A statement certifying that there has been no change in the provisions of its domiciliary license or any of its financial strength ratings; or a statement describing such changes and the reasons therefor;

2. A copy of all financial statements filed with their domiciliary regulator;

3. Any change in its directors and officers;

4. An updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from U.S. domestic ceding insurers; and

5. Any other information that the Office may require to assure market stability and the solvency of ceding insurers.

(f) An eligible reinsurer must immediately advise the Office of any changes in its ratings assigned by rating agencies, or domiciliary license status;

(g) At any time, if the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will withdraw, by order, any determination of an insurer as an eligible reinsurer or require the reinsurer to post additional collateral.

(h) If the rating of an eligible reinsurer rises above that used by the Commissioner in his or her determination of the credit allowed for the reinsurer, an affected party may petition the Commissioner for a redetermination of the credit allowed. If it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will raise the credit allowed for the reinsurer.

(9) Status as an eligible jurisdiction

(a) The determination of a jurisdiction as an eligible jurisdiction is to be made by the Commissioner. No jurisdiction shall be determined to be an eligible jurisdiction unless:

1. The insurance regulatory body of the jurisdiction agrees that it will provide information requested by the Office regarding its eligible domestic reinsurers;

2. The Office has determined that the jurisdiction has a satisfactory structure and authority with regard to solvency regulation, acceptable financial and operating standards for reinsurers in the domiciliary jurisdiction, acceptable transparent financial reports filed in accordance with generally accepted accounting principles, and verifiable evidence of adequate and prompt enforcement of valid U.S. judgments of arbitration awards;

3. The Office has determined that the history of performance by reinsurers in the jurisdiction is such that the insuring public will be served by a finding of eligibility;

4. For non-US jurisdictions, the jurisdiction allows U.S. reinsurers access to the market of the domiciliary jurisdiction on terms and conditions that are at least as favorable as those provided in Florida law and regulations for unaccredited non-U.S. assuming insurers; and

5. There is no other documented information that it would not serve the best interests of the insuring public and the solvency of ceding insurers to make a finding of eligibility.

(b) If the NAIC issues findings that certain jurisdictions should be considered eligible jurisdictions, the Commissioner shall, if it would serve the best interests of the insuring public and the solvency of ceding insurers, make a determination that jurisdictions on the NAIC list are eligible jurisdictions.

(c) If the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner shall withdraw, by order, the determination of a jurisdiction as an eligible jurisdiction.

(10)(a) If the rating of an eligible reinsurer is below or falls below that required in subsection (4) for the respective amount of credit, the existing credit to the ceding insurer shall be adjusted accordingly. Notwithstanding the change or withdrawal of a eligible reinsurer's rating, the Commissioner, upon a determination that the interest of ensuring market stability and the solvency of the ceding insurer requires it, shall, upon request by the ceding insurer, authorize the ceding insurer to continue to take credit for the reinsurance recoverable, or part thereof, relating to the rating change or withdrawal for some specified period of time following such change or withdrawal, unless the reinsurance recoverable is deemed uncollectible.

(b) If the ceding insurer's experience in collecting recoverables from any eligible reinsurer indicates that the credit to the ceding insurer should be lower, the ceding insurer shall notify the office of this:

(1) The ceding insurer shall give immediate notice to the Office and provide for the necessary increased reserves with respect to any reinsurance recoverables applicable, in the event:

(a) That obligations of an eligible reinsurer for which credit for reinsurance was taken under this rule are more than 90 days past due and not in dispute; or

(b) That there is any indication or evidence that any eligible reinsurer, with whom the ceding insurer has a contract, fails to substantially comply with the solvency requirements under the laws of its domiciliary jurisdiction.

(12) The Commissioner shall disallow all or a portion of the credit based on a review of the ceding insurer's reinsurance program, the financial condition of the eligible reinsurer, the eligible reinsurer's claim payment history, or any other relevant

information when such action is in the best interests of market stability and the solvency of the ceding insurer. At any time, the Commissioner may request additional information from the eligible reinsurer. The failure of an eligible reinsurer to cooperate with the Office is grounds for the Commissioner to withdraw the status of the insurer as an eligible reinsurer or for the disallowance or revocation of the credit granted under this rule.

(13)(a) Upon the entry of an order of rehabilitation, liquidation, or conservation against the ceding insurer, pursuant to Chapter 681, Part I, R.S., or the equivalent law of another jurisdiction, an eligible reinsurer, within 20 days of the order, shall fund the entire amount that the ceding insurer has taken, as an asset or deduction from reserves, for reinsurance recoverable from the eligible reinsurer. The insurer may request a variance and waiver from this provision as provided by Section 120-542, R.S.

(b) If an eligible reinsurer fails to comply on a timely basis with paragraph (a) of this subsection, the Commissioner shall withdraw the reinsurer's eligibility under this rule.

(14) The Commissioner may, by order, determine that credit shall not be allowed to any insurer for reinsured risks pursuant to this rule if it appears to the Commissioner that granting of the credit to the ceding insurer would not be in the public interest or serve the best interests of the ceding insurer's solvency.

(15) Nothing in this rule prohibits a ceding insurer and a reinsurer from entering into agreements establishing collateral requirements in excess of those set forth in this rule.

Special Authority: 62-4308, 624-610 (12) R.S. Law, Supplement 624-307(c), 624-610 R.S. Expiry: Nov. 10, 2008.

Applicant Name: Endurance Specialty Insurance Ltd.

NAIC No: AA-3194130  
FRIN: N/A

**Uniform Consent to Service of Process**

Original Designation: \_\_\_\_\_ Amended Designation: \_\_\_\_\_  
 (must be submitted directly to states)

Insurer Name: Endurance Specialty Insurance Ltd.

Previous Name (if applicable): N/A

Home Office Address: Kollesley House, 90 Patten Bay Road

City, State, Zip: Pembroke HM08 Bermuda NAIC Code: AA-3194130

The entity named above, organized under the laws of Bermuda, for purposes of complying with the laws of the State(s) designates hereunder relating to the holding of a certificate of authority or the conduct of an insurance business within said State(s), pursuant to a resolution adopted by its board of directors or other governing body, hereby irrevocably appoints the officers of the State(s) and their successors (as defined in Exhibit A), or where applicable appoints the required agent as designated in Exhibit A hereunder as its attorney-in-fact upon whom may be served any notice, process or pleading as required by law as reflected on Exhibit A in any action or proceeding against it in the State(s) so designated and does hereby consent that any lawful action or proceeding against it may be commenced in any court of competent jurisdiction and proper venue within the State(s) so designated and agrees that any lawful process against it which is served upon this appointment shall be of the same legal force and validity as if served on the entity directly. This appointment shall be binding upon any successor in the above named entity that acquires the entity's assets or assumes its liabilities by merger, consolidation or otherwise and shall be binding as long as there is a contract in force or liability of the entity outstanding in the State. The entity hereby waives all claims of error by reason of such services. The entity named above agrees to submit an amended designation form upon change in any of the information provided on this power of attorney.

**Applicant Officers' Certification and Attestation**

One of the two Officers (listed below) of the Applicant must read the following very carefully and sign:

1. I acknowledge that I am authorized to execute and am executing this document on behalf of the Applicant.
2. I hereby certify under penalty of perjury under the laws of the applicable jurisdiction that all of the foregoing is true and correct, executed at Pembroke, Bermuda.

5/8/12  
Date

[Signature]  
Signature of President  
DAVID BOGARA-GAUN  
Full Legal Name of President

5/8/12  
Date

[Signature]  
Signature of Secretary  
John Vergilio Del'Gol  
Full Legal Name of Secretary



**Uniform Consent to Service of Process**

**Exhibit A**

Place an "X" before the names of all the States for which the person executing this form is appointing the designated agent in that State for receipt of service of process:

<input type="checkbox"/>	AL	Commissioner of Insurance # and Resident Agent*	<input type="checkbox"/>	MT	Commissioner of Insurance #
<input type="checkbox"/>	AK	Director of Insurance #	<input type="checkbox"/>	NE	Officer of Company* or Resident Agent* (circle one)
<input type="checkbox"/>	AZ	Director of Insurance # ^	<input type="checkbox"/>	NH	Commissioner of Insurance #
<input type="checkbox"/>	AR	Resident Agent*	<input type="checkbox"/>	NV	Commissioner of Insurance of Insurance Commission # ^
<input type="checkbox"/>	AS	Commissioner of Insurance #	<input type="checkbox"/>	NI	Commissioner of Banking and Insurance # ^
<input type="checkbox"/>	CO	Commissioner of Insurance # or Resident Agent* (circle one) ^	<input type="checkbox"/>	NM	Superintendent of Insurance #
<input type="checkbox"/>	CT	Commissioner of Insurance #	<input type="checkbox"/>	NY	Superintendent of Financial Services #
<input type="checkbox"/>	DE	Commissioner of Insurance #	<input type="checkbox"/>	NO	Commissioner of Insurance
<input type="checkbox"/>	DC	Local Agent*	<input type="checkbox"/>	ND	Commissioner of Insurance # ^
<input type="checkbox"/>	FL	Chief Financial Officer # ^	<input type="checkbox"/>	OH	Resident Agent*
<input type="checkbox"/>	GA	Commissioner of Insurance and Safety Fire # and Resident Agent*	<input type="checkbox"/>	OR	Resident Agent*
<input type="checkbox"/>	GU	Commissioner of Insurance #	<input type="checkbox"/>	OK	Commissioner of Insurance #
<input type="checkbox"/>	HI	Insurance Commissioner # and Resident Agent*	<input type="checkbox"/>	PR	Commissioner of Insurance #
<input type="checkbox"/>	ID	Director of Insurance # ^	<input type="checkbox"/>	RI	Commissioner of Insurance #
<input type="checkbox"/>	IL	Director of Insurance #	<input type="checkbox"/>	SC	Director of Insurance #
<input type="checkbox"/>	IN	Resident Agent* ^	<input type="checkbox"/>	SD	Director of Insurance # ^
<input type="checkbox"/>	IA	Commissioner of Insurance #	<input type="checkbox"/>	TN	Commissioner of Insurance #
<input type="checkbox"/>	KS	Commissioner of Insurance #	<input type="checkbox"/>	TX	Resident Agent*
<input type="checkbox"/>	KY	Secretary of State #	<input type="checkbox"/>	UT	Resident Agent* ^
<input type="checkbox"/>	LA	Secretary of State #	<input type="checkbox"/>	VT	Secretary of State #
<input type="checkbox"/>	MD	Insurance Commissioner #	<input type="checkbox"/>	VI	Lieutenant Governor/Commissioner #
<input type="checkbox"/>	ME	Resident Agent* ^	<input type="checkbox"/>	WA	Insurance Commissioner #
<input type="checkbox"/>	MI	Resident Agent*	<input type="checkbox"/>	WY	Secretary of State # ⊕
<input type="checkbox"/>	MN	Commissioner of Commerce #	<input type="checkbox"/>		
<input type="checkbox"/>	MS	Commissioner of Insurance and Resident Agent* BOTH are required.			

\* For the forwarding of Service of Process received by a State Officer complete Exhibit B listing by state the entities (one per state) with full name and address where service of process is to be forwarded. Use additional pages as necessary. Exhibit not required for New Jersey and North Carolina. Florida accepts only an individual as the entity and requires an email address. New Jersey allows but does not require a foreign insurer to designate a specific forwarding address on Exhibit B. SC will not forward to an individual by name; however, it will forward to a position, e.g. Attention: President (or Compliance Officer, etc.). Washington requires an email address on Exhibit B.

\* Attach a completed Exhibit B listing the Resident Agent for the insurer (one per state). Include state name, Resident Agent's full name and street address. Use additional pages as necessary. (DC\* requires an agent within a ten mile radius of the District)

^ Initial pleadings only; Kansas requires two signatures.

⊕ Form accepted only as part of a Uniform Certificate of Authority application.

MA will send the required form to the applicant when the approval process reaches that point.

**EXHIBIT A**

EXHIBIT B

Complete for each state indicated in Exhibit A:

State FL Name of Entity Endurance Specialty Insurance Ltd. c/o Daniel S. Lurie

Phone Number 914-488-8009 Fax Number 914-206-4369

Email Address dlurie@enduranceparvicna.com

Mailing Address 333 Westchester Avenue, White Plains, NY 10604

Street Address 333 Westchester Avenue, White Plains, NY 10604

State \_\_\_\_\_ Name of Entity \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street Address \_\_\_\_\_

State \_\_\_\_\_ Name of Entity \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street Address \_\_\_\_\_

State \_\_\_\_\_ Name of Entity \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street Address \_\_\_\_\_

State \_\_\_\_\_ Name of Entity \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street Address \_\_\_\_\_

EXHIBIT B

Resolution Authorizing Appointment of Attorney

BE IT RESOLVED by the Board of Directors or other governing body of

Endurance Specialty Insurance Ltd.  
(company name)

this 13th day of Feb, 2008, that the President or Secretary of said entity be and are hereby authorized by the Board of Directors and directed to sign and execute the Uniform Consent to Service of Process to give irrevocable consent that actions may be commenced against said entity in the proper court of any jurisdiction in the state(s) of

Florida

in which the action shall arise, or in which plaintiff may reside, by service of process in the state(s) indicated above and irrevocably appoint the officer(s) of the state(s) and their successors in such offices or appoint the agent(s) so designated in the Uniform Consent to Service of Process and stipulate and agree that such service of process shall be taken and held in all courts to be as valid and binding as if due service had been made upon said entity according to the laws of said state.

CERTIFICATION

I, John V. Del Col, Secretary of  
Endurance Specialty Insurance Ltd.  
(company name)

state that this is a true and accurate copy of the resolution adopted effectively the 13th day of Feb, 2008, by the Board of Directors or governing board at a meeting held on the 13th day of Feb, 2008, or by written consent dated      day of     , 20    .

  
Secretary



**FILED**

DEC 31 2013

OFFICE OF  
INSURANCE REGULATION

Docketed by: ZZ

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 125668-12

ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

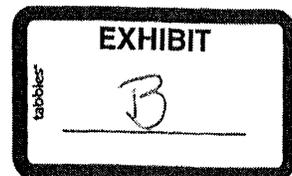
ORDER

To: Endurance Specialty Insurance Ltd.  
c/o John R. Charman  
Chief Executive Officer  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

THIS CAUSE came on for consideration upon the expiration of Consent Order 125668-12-CO (attached as exhibit "A" and hereby incorporated by reference) and by the request of ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE"). The OFFICE OF INSURANCE REGULATION (hereinafter referred to as "OFFICE"), following a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. ENDURANCE's status as an Eligible Reinsurer expires pursuant to Consent

Order 125668-12-CO on December 31, 2013 at 11:59 P.M.

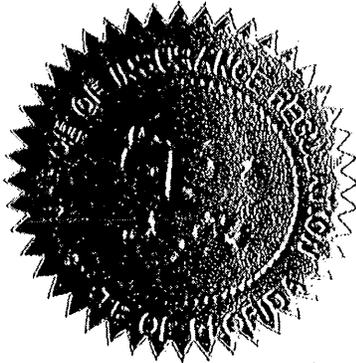


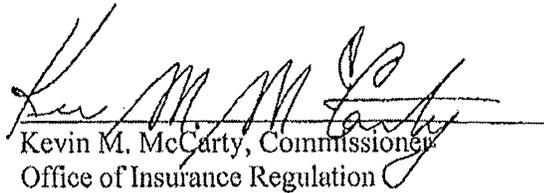
3. ENDURANCE has petitioned the OFFICE to continue its status as an Eligible Reinsurer.

4. The OFFICE finds that ENDURANCE is still in compliance with all of the requirements of the Florida Insurance Code, Florida Administrative Code, and Consent Order 125668-12-CO.

WHEREFORE, paragraph 12 of Consent Order 125668-12-CO is hereby modified to "This Consent Order shall expire on December 31, 2014 at 11:59 PM, unless extended by written approval of the OFFICE." All other terms and conditions contained in Consent Order No. 125668-12-CO, not otherwise modified as above, shall remain in full force and effect, and all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 31<sup>st</sup> day of December, 2013.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

COPIES FURNISHED TO:

JOHN R. CHARMAN, CHIEF EXECUTIVE OFFICER  
Endurance Specialty Insurance Company  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda  
E-Mail: [jcharman@endurance.bm](mailto:jcharman@endurance.bm)  
cc. Fran Marsala: [fmarsala@endurance services.com](mailto:fmarsala@endurance services.com)

SANDY P. FAY, ESQ.  
Colodny, Fass, Talenfeld, Karlinsky & Abate P.A.  
One Financial Plaza 23<sup>rd</sup> Floor  
100 SouthEast 3<sup>rd</sup> Avenue  
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Tallahassee, Florida 32301  
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VIRGINIA A. CHRISTY, ASSISTANT GENERAL COUNSEL  
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E-Mail: [virginia.christy@flor.com](mailto:virginia.christy@flor.com)



**FILED**

DEC 29 2014

OFFICE OF  
INSURANCE REGULATION  
Docketed by:                     

OFFICE OF INSURANCE REGULATION

KEVIN M. McCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 125668-12

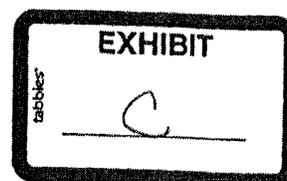
ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

ORDER

To: Endurance Specialty Insurance Ltd.  
c/o David Cash  
Chief Executive Officer  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

THIS CAUSE came on for consideration upon the expiration of Consent Order 125668-12-CO (attached as exhibit "A" and hereby incorporated by reference), as extended by Order 125668-12, dated December 31, 2013 (attached as exhibit "B" and hereby incorporated by reference), and by the request of ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE"). The OFFICE OF INSURANCE REGULATION (hereinafter referred to as "OFFICE"), following a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.



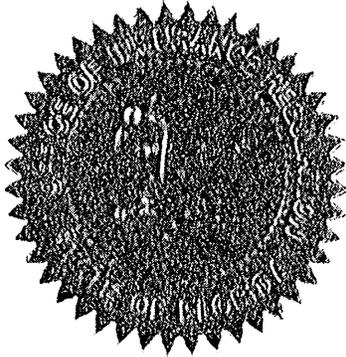
2. Pursuant to Consent Order 125668-12-CO, ENDURANCE's status as an Eligible Reinsurer was to expire on December 31, 2013, at 11:59 P.M. Such expiration date was extended to December 31, 2014, at 11:59 P.M. by Order 125668-12, dated December 31, 2013.

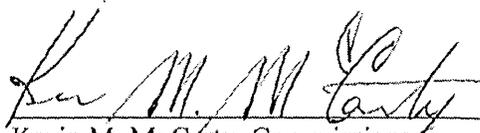
3. ENDURANCE has petitioned the OFFICE to continue its status as an Eligible Reinsurer.

4. Based on documentation submitted and representations made by ENDURANCE, ENDURANCE remains eligible to continue its status as an Eligible Reinsurer.

WHEREFORE, paragraph 12 of Consent Order 125668-12-CO is hereby modified to reflect "This Consent Order shall expire on December 31, 2015, at 11:59 PM, unless extended by written approval of the OFFICE." All other terms and conditions contained in Consent Order 125668-12-CO, not otherwise modified as above, shall remain in full force and effect, and all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 29<sup>th</sup> day of December, 2014.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

COPIES FURNISHED TO:

DAVID CASH, CHIEF EXECUTIVE OFFICER  
Endurance Specialty Insurance Company  
Wellesley House  
90 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

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Colodny, Fass, Talenfeld, Karlinsky & Abate P.A.  
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100 SouthEast 3<sup>rd</sup> Avenue  
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Tallahassee, Florida 32301  
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RACHIC' A. WILSON, ASSISTANT GENERAL COUNSEL  
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Telephone: (850) 413-1421  
E-Mail: [rachic.wilson@floiir.com](mailto:rachic.wilson@floiir.com)



**FILED**

OCT 22 2015

OFFICE OF  
INSURANCE REGULATION

Docketed by: ROS

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY  
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 125668-12

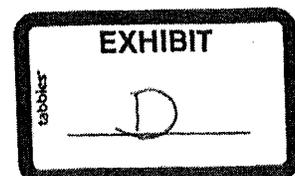
ENDURANCE SPECIALTY INSURANCE LTD.  
\_\_\_\_\_ /

ORDER

To: Endurance Specialty Insurance Ltd.  
c/o John Charman  
Chief Executive Officer  
Waterloo House  
100 Pitts Bay Road  
Pembroke, HM 08  
Bermuda

THIS CAUSE came on for consideration upon the expiration of Consent Order 125668-12-CO (attached as exhibit "A" and hereby incorporated by reference), as extended by Order 125668-12, dated December 29, 2014 (attached as exhibit "B" and hereby incorporated by reference) and by the request of ENDURANCE SPECIALTY INSURANCE LTD. (hereinafter referred to as "ENDURANCE"). The OFFICE OF INSURANCE REGULATION (hereinafter referred to as "OFFICE"), following a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. ENDURANCE's status as an Eligible Reinsurer expires pursuant to Consent Order 125668-12-CO on December 31, 2015 at 11:59 P.M.



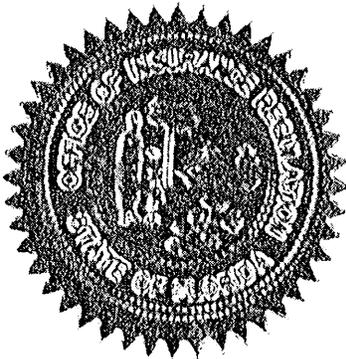
3. ENDURANCE has petitioned the OFFICE to continue its status as an Eligible Reinsurer.

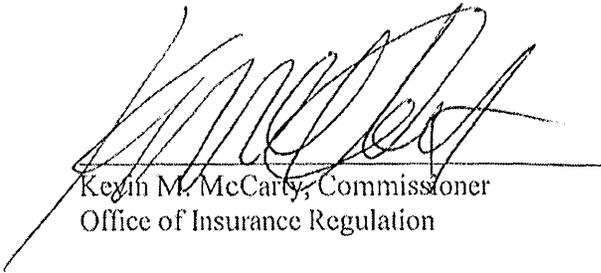
4. The OFFICE finds, based on documentation submitted and representations made by ENDURANCE, that ENDURANCE is still in compliance with all of the requirements of the Florida Insurance Code, Florida Administrative Code, and Consent Order 125668-12-CO.

5. Subsequent to the issuance of Consent Order 125668-12-CO, the OFFICE amended Rule 690-144.007, Florida Administrative Code (attached as exhibit "C" and hereby incorporated by reference). The amended rule included a change from the term "Eligible Reinsurer" to "Certified Reinsurer."

WHEREFORE, paragraph 12 of Consent Order 125668-12-CO is hereby modified to "This Consent Order shall expire on December 31, 2016 at 11:59 PM, unless extended by written approval of the OFFICE." Additionally, any reference to "Eligible Reinsurer" will now reflect "Certified Reinsurer." All other terms and conditions contained in Consent Order No. 125668-12-CO, not otherwise modified as above, shall remain in full force and effect, and all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 22<sup>nd</sup> day of October, 2015.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

COPIES FURNISHED TO:

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E-Mail: [virginia.christy@fioir.com](mailto:virginia.christy@fioir.com)