



03294

FILED

NOV 6 2009

OFFICE OF
INSURANCE REGULATION
Dictated by:

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 107445-09

FLORIDA INSURANCE GUARANTY ASSOCIATION, INC.
2009 ASSESSMENT

2009 FIGA ASSESSMENT
(ALL OTHER ACCOUNT)

THIS MATTER came on for consideration upon the submission by the Executive Director of the Florida Insurance Guaranty Association, Inc. (hereinafter referred to as "FIGA"), on behalf of the Board of Directors, to the Office of Insurance Regulation (hereinafter referred to as the "OFFICE") of FIGA's certification of need for an assessment upon its member insurers. The OFFICE, having considered FIGA's certification and being otherwise duly advised in the premises, hereby finds that:

1. The OFFICE has jurisdiction over the subject matter of, and the parties to this proceeding, pursuant to Section 631.57(3), Florida Statutes, and other applicable provisions of the Florida Insurance Code.
2. FIGA is a nonprofit corporation, created by the Legislature, and codified in the Florida Insurance Guaranty Association Act in Sections 631.50, et. seq., Florida Statutes. FIGA's Board of Directors may certify assessments to the OFFICE and the OFFICE shall levy the assessments on FIGA's members, as provided in Section 631.57(3)(a), Florida Statutes.
3. Insurance written in the account designated by Section 631.55(2)(c), Florida

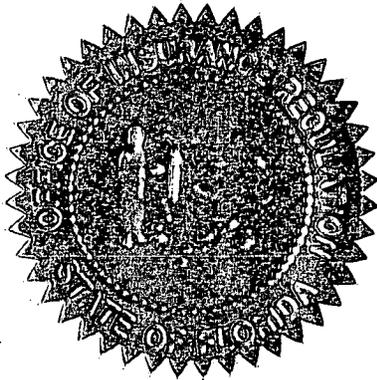
Statutes, is hereinafter referred to as the "All Other Account".

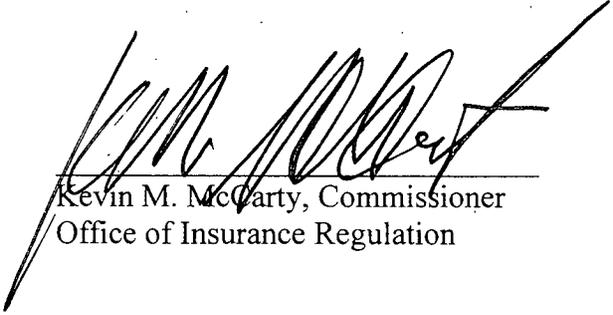
4. On October 30, 2009, FIGA's Board of Directors certified the need to assess each member in the All Other Account an amount equal to 0.8 percent of the member's Florida net direct written premiums for the calendar year 2008. A copy of the certification is attached hereto as "Exhibit A".

IT IS THEREFORE ORDERED THAT:

FIGA's certification is hereby APPROVED. All FIGA members writing in the All Other Account shall pay to FIGA an assessment equal to 0.8 percent of the insurer's Florida net direct written premiums for the kinds of insurance within the All Other Account for the calendar year 2008. The aforementioned assessment shall be paid to FIGA on or before December 15, 2009.

DONE and ORDERED this 6th day of November, 2009.




Kevin M. McCarty, Commissioner
Office of Insurance Regulation

NOTICE OF RIGHTS

Pursuant to Sections 120.569 and 120.57, Florida Statutes and Rule Chapter 28-106, Florida Administrative Code (F.A.C.), you may have a right to request a proceeding to contest this action by the Office of Insurance Regulation (hereinafter the "Office"). You may request a proceeding by filing a Petition. Your Petition for a proceeding must be in writing and must be filed with the General Counsel acting as the Agency Clerk, Office of Insurance Regulation. If served by U.S. Mail the Petition should be addressed to the Florida Office of Insurance Regulation at 612 Larson Building, Tallahassee, Florida 32399-4206. If Express Mail or hand-delivery is utilized, the Petition should be delivered to 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300. The written Petition must be received by, and filed in the Office no later than 5:00 p.m. on the twenty-first (21) day after your receipt of this notice. Unless your Petition challenging this action is received by the Office within twenty-one (21) days from the date of the receipt of this notice, the right to a proceeding shall be deemed waived. Mailing the response on the twenty-first day will not preserve your right to a hearing.

If a proceeding is requested and there is no dispute of material fact the provisions of Section 120.57(2), Florida Statutes may apply. In this regard you may submit oral or written evidence in opposition to the action taken by this agency or a written statement challenging the grounds upon which the agency has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary one may be conducted in Tallahassee, Florida or by telephonic conference call upon your request.

If you dispute material facts which are the basis for this agency's action you may request a formal adversarial proceeding pursuant to Sections 120.569 and 120.57(1), Florida Statutes. If you request this type of proceeding, the request must comply with all of the requirements of Rule Chapter 28-106.201, F.A.C., must demonstrate that your substantial interests have been affected by this agency's action, and contain:

- a) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- b) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- c) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- d) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

These proceedings are held before a State Administrative Law Judge of the Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Office will request that the hearing be conducted in Tallahassee.

In some instances, you may have additional statutory rights than the ones described herein.

Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. Any request for administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

COPIES FURNISHED TO:

Sandra J. Robinson, Executive Director
Florida Insurance Guaranty Association, Inc.
P.O. Box 10366
Jacksonville, Florida 32247

Belinda Miller, Deputy Commissioner
Property & Casualty
Office of Insurance Regulation
200 East Gaines Street
Tallahassee, Florida 32399-0329
Belinda.Miller@flor.com

Amanda Hunter, Assistant General Counsel
Office of Insurance Regulation
200 East Gaines Street
Tallahassee, FL 32399-0333
Amanda.Parnell@flor.com



**FLORIDA
INSURANCE GUARANTY
ASSOCIATION, INC.**
A Florida Nonprofit Corporation

P.O. Box 14249
Tallahassee, Florida 32317

Telephone (850) 386-9200
Toll free (800) 988-1450
Facsimile (850) 523-1888

Website: www.figafacts.com

November 2, 2009

RECEIVED

NOV 02 2009

COMMISSIONER
OFFICE OF INSURANCE
REGULATION

Commissioner Kevin McCarty
Office of Insurance Regulation
200 East Gaines Street
Tallahassee, FL 32399-0305

Dear Commissioner McCarty:

The Florida Insurance Guaranty Association (FIGA) Board of Directors, pursuant to a motion duly made, seconded and adopted on October 30, 2009, at a Board Meeting, hereby certifies to the Office of Insurance Regulation the need for an assessment upon its member insurers.

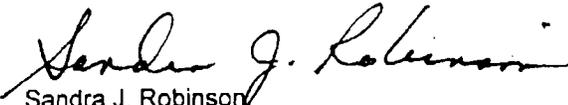
The assessment is necessary to secure funds "for the payment of covered claims and also to pay the reasonable costs to administer the same" in accordance with Florida Statutes 631.57(3)(a).

The Board adopted a motion to certify the need for the assessment on member insurers in the All Other Account in the amount of \$124,304,000 [or 0.8 percent (0.008) of the Florida net direct written premiums for calendar year 2008 of \$15,538,000,000]. The estimated cash balance of the All Other Account at October 31, 2009 is \$10 million while the estimated liabilities for the All Other Account is \$134 million.

The Association recommends that member insurers pay this assessment in full on or before December 15, 2009.

Thank you for your assistance in this matter.

Sincerely,


Sandra J. Robinson
Executive Director

cc: FIGA Board of Directors

