



THE TREASURER OF THE STATE OF FLORIDA  
DEPARTMENT OF INSURANCE

TOM GALLAGHER

IN THE MATTER OF:

CASE NO.: 41342-01-CO

**MOBILE USA INSURANCE COMPANY, INC.**

2001 Property and Casualty Target Market  
Conduct Examination

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CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between **MOBILE USA INSURANCE COMPANY, INC.**, hereinafter referred to as **MOBILE USA** and the **FLORIDA DEPARTMENT OF INSURANCE**, hereinafter referred to as the **DEPARTMENT**. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the Treasurer and Insurance Commissioner, as head of the **FLORIDA DEPARTMENT OF INSURANCE**, hereby finds as follows:

1. The Treasurer and Insurance Commissioner, as head of the **DEPARTMENT**, has jurisdiction over the subject matter of, and parties to, this proceeding.

2. **MOBILE USA** is a domestic property and casualty insurer authorized to transact insurance business in Florida and is subject to the jurisdiction and regulation of the **DEPARTMENT** pursuant to the Florida Insurance Code.

3. The **DEPARTMENT** conducted a property and casualty target market conduct examination of **MOBILE USA** covering the period of

January 1997 through December 1999, pursuant to Section 624.3161, Florida Statutes. As a result of such examination, the **DEPARTMENT** determined that **MOBILE USA** committed the following violations of the Florida Insurance Code or Florida Administrative Code as outlined in total in the Fine Worksheet provided with the Report of Examination Findings.

a. Homeowners

1. Section 627.701, F.S.-Failure to Provide Hurricane Deductible.
2. Section 627.701, F.S.-Failure to Include Hurricane Deductible Statement.
3. Section 627.701, F.S.-Failure to Attach Hurricane Deductible Notice.
4. Section 627.4133, F.S.-Failure to Provide Timely Notice of Renewal, Nonrenewal or Cancellation.
5. Section 627.0629, F.S.-Failure to Display Hurricane Premium Separately.
6. Section 627.062, F.S.-Failure to Follow Filed Rate, Rating Schedule or Rating Rule-Protection Class.
7. Section 627.062, F.S.-Use of Unfiled Rate, Rating Schedule or Rating Rule.
8. Section 627.062, F.S.-Failure to Follow Filed Rate, Rating Schedule or Rating Rule-Incorrect Base Rate.

b. Mobile Homeowners

1. Section 627.701, F.S.-Failure to Provide Hurricane Deductible Notice.
2. Section 627.701, F.S.-Failure to Include Hurricane Deductible Statement.
3. Section 627.701, F.S.-Failure to Attach Hurricane Deductible Notice.

4. Section 627.4133, F.S.-Failure to Provide Timely Notice of Renewal, Nonrenewal or Cancellation.

c. Claims

1. Section 626.9541, F.S.-Failure to Comply with Unfair Trade Practice Requirements-Claims Procedures.

b. Complaints

1. Section 626.9541, F.S.-Failure to Comply with Unfair Trade Practice Requirements-Written Complaint Procedures.

2. Rule 4-166.024, Failure to Pay Claim Timely.

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

5. For each violation noted in Paragraph 3, which was not corrected during the examination and verification provided to the **DEPARTMENT**, **MOBILE USA** shall provide written documentation to the **DEPARTMENT** no later than July 1, 2001, detailing the corrective action taken in order to comply with Florida Statutes for each of the remaining violations noted in Paragraph 3. All pending refunds shall be completed within 60 days of the execution of the Consent Order and documentation provided to the **DEPARTMENT**.

6. **MOBILE USA** agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

(a) **MOBILE USA** shall pay an administrative penalty of \$4,900 and administrative costs of \$1,000 on or before the 30th day after this Consent Order is executed.

(b) **MOBILE USA** shall henceforth comply with all of the provisions of the Florida Insurance Code and Florida Administrative Code, and will implement the recommendations contained in this report within 90 days after execution of Consent Order.

(c) **MOBILE USA** is hereby placed on notice of the requirements of the above referenced sections of law and agrees that any future violations of these sections by **MOBILE USA** may be deemed willful, subjecting **MOBILE USA** to appropriate penalties.

7. **MOBILE USA** agrees that the failure to adhere to one or more of the above terms and conditions of this Order shall constitute a violation of a lawful order of the **DEPARTMENT**, and shall subject **MOBILE USA** to such administrative action as the Treasurer and Insurance Commissioner may deem appropriate.

8. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

9. **THEREFORE**, the agreement between **MOBILE USA INSURANCE COMPANY, INC.** and the **DEPARTMENT**, the terms and conditions of that are set forth above, is approved.

**FURTHER**, all terms and conditions above are hereby **ORDERED**.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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**KEVIN MCCARTY**  
DEPUTY INSURANCE COMMISSIONER

By execution hereof **MOBILE USA INSURANCE COMPANY, INC.**  
consents to entry of this Order, agrees without reservation to  
all of the above terms and conditions, and shall be bound by all  
provisions herein. I am authorized to execute this document.

**MOBILE USA INSURANCE COMPANY, INC.**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

COPIES FURNISHED TO:

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