

JAN 19 2010

OFFICE OF  
INSURANCE REGULATION  
Decided by: DRS

## OFFICE OF INSURANCE REGULATION

KEVIN McCARTY  
COMMISSIONER

IN THE MATTER OF:

Case No.: 108450-10-CO

PREPARED INSURANCE COMPANY  
\_\_\_\_\_ /CONSENT ORDER

THIS CAUSE came on for consideration as a result of the proposal by PREPARED INSURANCE COMPANY (hereinafter referred to as "PREPARED") to remove selected personal residential policies from CITIZENS PROPERTY INSURANCE CORPORATION (hereinafter referred to as "CITIZENS") which was submitted to the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE") for its review on December 22, 2009. After a complete review of the entire record and upon consideration thereof, and otherwise being 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. CITIZENS was established in accordance with the provisions of Section 627.351(6), Florida Statutes, as amended, to provide insurance for residential and commercial property qualified risks under circumstances specified in the Statute.
3. The Legislature of the State of Florida has enacted Section 627.3511, Florida Statutes, to encourage and provide a means for the depopulation of CITIZENS. CITIZENS submitted and the OFFICE adopted by Order No. 94539-08 a plan of depopulation, the terms and conditions upon which this proposed consent order is predicated. PREPARED shall abide by the

terms and conditions of the CITIZENS depopulation plan as a condition of issuance of this consent order.

4. PREPARED is a Florida domiciled property and casualty insurance company authorized to transact insurance in the State of Florida.

5. On or about December 22, 2009, PREPARED submitted a proposal to remove selected personal residential policies from CITIZENS. The plan provides for an assumption of up to seven thousand, five hundred (7,500) multiple peril policies from CITIZENS' personal lines account. PREPARED plans to assume the CITIZENS policies over a period of time, subject to the approval of the OFFICE.

6. PREPARED understands that the selected policies to be removed from CITIZENS on or about March 9, 2010, or at a later date approved by the OFFICE and CITIZENS, will not be subject to any incentive or bonus plan pursuant to Section 627.3511, Florida Statutes, unless and until the OFFICE approves such a plan for use by CITIZENS provided such plan would be retroactive to policies subject to this Consent Order. If the OFFICE approves a bonus plan for use by other take-out companies or for other transactions during the 2010 policy year, the bonus may be paid to PREPARED in accordance with that plan and agreements between PREPARED and CITIZENS. PREPARED shall enter into appropriate agreements with CITIZENS to provide the following:

(a) PREPARED, at its own expense, shall give at least thirty (30) days advance notice to affected policyholders, which notice will inform policyholders of the need to contact PREPARED before the removal date if the policyholder desires to stay with CITIZENS.

(b) PREPARED shall accumulate any objections, and shall facilitate the return of any policyholder who desires to stay in CITIZENS if that policyholder expresses the

desire to stay in CITIZENS within the thirty (30) day notice period prior to the removal of the policy or within thirty (30) days after the date of the policy removal. Policyholders shall not be required to make additional payments or take any action other than to express the desire to remain with CITIZENS in writing, by electronic mail or by telephone on or before thirty (30) days following the date of their policy removal.

(c) All communications with agents and policyholders regarding any policies to be removed from CITIZENS must be done in accordance with instructions by CITIZENS and the OFFICE. PREPARED shall obtain prior approval from the OFFICE of any letters sent to policy holders regarding any policies to be removed from CITIZENS.

7. PREPARED acknowledges neither approval by CITIZENS nor entry into this Consent Order by the OFFICE constitutes a guarantee that the above referenced policies will ultimately be available to PREPARED for removal from CITIZENS, as the availability of policies for removal may vary over time.

8. PREPARED shall limit its actual removal of policies from CITIZENS to the number and type of policies authorized by the OFFICE. The OFFICE will base its review on PREPARED's reinsurance program, catastrophe modeling and financial statement projections, as well as the impact on policyholders. Such reinsurance program, catastrophe modeling and financial statement profiles shall be based upon PREPARED's current in-force book of residential property policies, PREPARED's projected voluntary market writings and actual number of policies available in CITIZENS prior to the anticipated assumption date identified by PREPARED as satisfying its filed and approved underwriting guidelines.

9. PREPARED has submitted the proposed reinsurance documentation and financial projections for assumption of up to seven thousand, five hundred (7,500) multiple peril policies,

expected to be assumed on March 9, 2010, or on subsequent dates approved by the OFFICE and CITIZENS. Each additional assumption of CITIZENS policies by PREPARED shall be subject to advance written approval by the OFFICE.

10. PREPARED's acquisition of adequate reinsurance and maintenance of executed reinsurance agreements is material to the OFFICE's review and analysis of PREPARED's proposal to remove selected policies from CITIZENS and to the OFFICE's approval of the proposal.

11. The OFFICE and PREPARED expressly waive their rights to any hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE and all other and further proceedings herein to which the parties may be entitled by law or by rules of the OFFICE. PREPARED agrees not to appeal or otherwise 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.

12. PREPARED represents that all explanations and documents made or submitted to the OFFICE as part of its proposal to remove selected policies from CITIZENS, including all attachments and supplements thereto, fully describe all transactions, agreements, and understandings relating to the removal of policies from CITIZENS by PREPARED. However, all draft documents and non-executed agreements relating to PREPARED's plan shall not be deemed approved by this Consent Order until such time as executed agreements or final documents are submitted and approved by the OFFICE.

13. The parties agree this Consent Order will be deemed executed when the agency head or his designee has signed a copy of this Consent Order bearing signature of PREPARED or its authorized representative, notwithstanding the fact the copy was transmitted to the OFFICE

electronically. PREPARED agrees the signature of their representative as affixed to this Consent Order shall be under seal of a Notary Public.

14. Each party to this action shall bear its own costs and attorney fees.

15. The OFFICE and PREPARED expressly agree to the terms of this Consent Order as follows:

(a) Upon consideration of the proposal to remove selected policies from CITIZENS, including its attachments, the OFFICE approves the proposal to remove selected policies from CITIZENS, subject to adherence to the terms and conditions of this Consent Order by PREPARED.

(b) The OFFICE approves the assumption of up to seven thousand, five hundred (7,500) multiple peril policies, all from CITIZENS' personal lines account, with the initial assumption starting on or about March 9, 2010, in accordance with the proposal to remove selected policies from CITIZENS, any agreement(s) between PREPARED and CITIZENS and this Consent Order.

(c) Regarding all reinsurance matters relating to policies removed from CITIZENS, for a period of three (3) years immediately following the date of entry of this Consent Order, PREPARED shall:

i. Maintain substantially the same reinsurance coverage as evidenced to the OFFICE in the proposal to remove selected policies from CITIZENS.

ii. Submit to the OFFICE any and all replacement or additional reinsurance agreements or any amendments to reinsurance agreements that materially change the reinsurance coverage in Paragraph 15(c)i. The agreements, amendments or plans shall be

submitted to the OFFICE for review and approval sixty (60) days prior to the date of effectuation of any such agreements or amendments.

iii. Notify the OFFICE of any termination of any of its reinsurance agreements. The notification shall be made to the OFFICE in writing sixty (60) days prior to the effective date of any such termination.

iv. Submit in writing to the OFFICE the proposed utilization of any substitute or additional reinsurers for the OFFICE's review and approval sixty (60) days prior to the companies being utilized within PREPARED'S reinsurance program. PREPARED shall further immediately submit to the OFFICE all information as requested which the OFFICE deems necessary for the OFFICE to complete its review.

v. Cede reinsurance or otherwise contract for reinsurance only with reinsurers who are authorized and/or approved by the OFFICE or such other reinsurers as may be approved in advance and in writing by the OFFICE. PREPARED shall comply with the requirements of Section 624.610, Florida Statutes, with regard to all of its reinsurance arrangements.

(d) For the three (3) years immediately following the date of entry of this Consent Order, PREPARED shall file with the OFFICE, on an annual basis no later than June 1st of each year, a catastrophe loss model with probable maximum loss estimate amounts from a one-hundred-year storm based upon the exposure information gathered from all of its policies in force as of April 15th of each year which would be affected by a catastrophe. PREPARED shall include in this filing an exposure management plan which will identify the company's ability to provide satisfactory financial capacity to cover the company's exposure to catastrophic hurricane loss. The plan shall identify the reinsurance coverage and surplus levels being utilized to

maintain a satisfactory financial capacity with regard to catastrophe exposure. PREPARED shall also include within the plan specific actions intended to limit catastrophic exposures to the company's financial capacity. Based upon the OFFICE's review of the models and plans, PREPARED may be required, at the OFFICE's sole discretion, to take corrective action to cure any overexposure identified by the OFFICE. Such action may also include obtaining additional amounts of reinsurance coverage as directed by the OFFICE or suspend writing of any additional business, including the CITIZENS policies.

(e) Any and all policies removed from CITIZENS by PREPARED shall provide coverage substantially equivalent to that afforded by CITIZENS. Any and all policies removed from CITIZENS by PREPARED pursuant to its proposal to remove selected policies from CITIZENS must be renewable by the policyholder at approved rates and upon the same terms for a period of three (3) consecutive years, unless such policies are canceled by PREPARED for a lawful reason other than reduction of hurricane exposure;

(f) At the time PREPARED removes any policy of insurance from CITIZENS, PREPARED shall either obtain a new policy application from each affected policyholder or maintain in its files a copy of the policyholder's application on file with CITIZENS. If PREPARED chooses the latter option, PREPARED shall nevertheless be required to obtain a new policy application from each affected policyholder no later than twenty-four (24) months from the effective date of any policy of insurance removed from CITIZENS. PREPARED may not initiate any retrospective increase in rates or the premium or any retrospective decrease in coverage provided under the assumed CITIZENS policy (if applicable) as a result of the information obtained from or through the new policy applications;

(g) For a period of three (3) years immediately following the date of entry of this Consent Order, PREPARED shall abide by the proposal to remove selected policies from CITIZENS in all material respects. Further, PREPARED shall abide by all terms and provisions of any agreement(s) entered into with CITIZENS; and;

(h) Regarding required documentation to be maintained by PREPARED relating to policies removed from CITIZENS:

i. PREPARED is required to track all agents, as well as the related policy information, who have declined to participate in the takeout process. This information shall be submitted to Citizens by the deadline published in the Citizens Assumption Calendar. Citizens will then mail out notices informing the policyholders of the agent's declination. This will allow the affected policyholders the opportunity to address the declination with their agent and possibly receive their agent's approval in time to be included in the current takeout.

ii. PREPARED is required to track all agents, as well as the related policy information, who after discussing with the policyholder, decide to participate in the takeout process and submit this information to Citizens by the deadline published in the revised 2010 Assumption Calendar.

iii. PREPARED is required to keep a record of all agents who decline participation along with an explanation for the declination.

iv. When contacting an agent regarding a potential takeout policy, PREPARED is required to provide each agent with the policy form to be used, appointment contract and a copy of PREPARED's most currently available financial statement.

(i) PREPARED is required to comply with the following requirements when soliciting an agent's permission to participate in the assumption process:

i. PREPARED must utilize email and at least one other method for contact (i.e. call, fax or regular mail);

ii. PREPARED must send out a direct solicitation to the agent of record and copy the agency principal;

iii. PREPARED must provide all agents a minimum of fourteen (14) days to review the solicitation. This will allow agents adequate time to research the company and make an informed decision;

iv. PREPARED must provide a copy of the appointment contract. PREPARED may opt to provide the agent a link to its website containing the required information;

v. PREPARED must provide a copy of the policy form. PREPARED may opt to provide the agent a link to its website containing the required information;

vi. PREPARED must provide a chart identifying any differences in coverage from Citizens, which will help both the agent and the policyholder in making an informed decision;

vii. PREPARED must provide a list of policies specific to the agent that it would like to assume;

viii. PREPARED must provide a contact number of qualified staff to answer agent's questions;

ix. PREPARED must provide an overview of its strategy for handling claims (cat and non-cat).

(j) Prepared shall not have a combined total over ten percent (10%) of its total policy selection in Citrus, Hernando, Hillsborough, Pasco and Pinellas counties as of the

date of the initial assumption, March 9, 2010, or on subsequent dates approved by the OFFICE and CITIZENS.

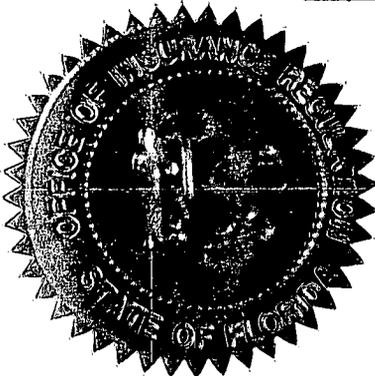
(k) Prepared shall not have a combined total over ten percent (10%) of its total policy selection in Broward, Dade and Palm Beach counties as of the date of the initial assumption, March 9, 2010, or on subsequent dates approved by the OFFICE and CITIZENS.

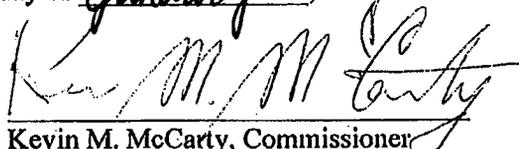
(l) Should the OFFICE determine PREPARED has failed to materially comply with terms of this Consent Order, the proposal to remove selected policies from CITIZENS, including its attachments, and amendments thereto as submitted to the OFFICE, or terms of any agreement(s) with CITIZENS, PREPARED shall, upon receipt of notice of such material non-compliance, have sixty (60) days to cure its material non-compliance. In the event PREPARED fails to cure any such material non-compliance within the sixty (60) day period, PREPARED expressly agrees the OFFICE may enter an order directing it to immediately cease writing personal lines residential property coverage or other lines of insurance within the State of Florida, or imposing such other sanctions authorized by statute, rule or restrictions, as may be deemed appropriate by the OFFICE.

WHEREFORE, the proposal by PREPARED to remove up to seven thousand, five hundred (7,500) multiple peril policies from CITIZENS, all from the personal lines account, with the initial assumption starting on or about March 9, 2010, subject to the terms and conditions of this Order, are hereby APPROVED.

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

DONE and ORDERED this 19<sup>th</sup> day of January, 2010.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, PREPARED INSURANCE COMPANY 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 therein. The undersigned represents that he has the authority to bind PREPARED INSURANCE COMPANY to the terms and conditions of this Consent Order.

PREPARED INSURANCE COMPANY

By: Douglas N Raucy

Print Name: Douglas N Raucy

Title: CEO / President

Date: 1/15/10

Corporate Seal

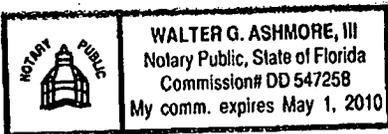
STATE OF Florida

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of January 2010,

by Douglas N. Raucy as \_\_\_\_\_  
(name of person) (type of authority, e.g. officer, trustee, attorney in fact)

for Prepared Insurance Company  
(company name)



[Signature]  
(Signature of the Notary)

Walter Ashmore  
(Print, Type or Stamp Commissioned Name of Notary)

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

Type of Identification Produced FL DL R200-174-56321-0

COPIES FURNISHED TO:

Doug Raucy, President  
Prepared Insurance Company  
Two Urban Centre  
4890 West Kennedy Boulevard, Suite 295  
Tampa, Florida 33609  
E-mail: [draucy@preparedins.com](mailto:draucy@preparedins.com)

Sandy Fay  
Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A.  
One Financial Plaza, 23rd Floor  
100 Southeast Third Avenue  
Fort Lauderdale, Florida 33394  
E-mail: [sfay@cfllaw.com](mailto:sfay@cfllaw.com)

Bobbi Scott, Depopulation Manager  
Citizens Property Insurance Corporation  
101 North Monroe Street, Suite 1000  
Tallahassee, Florida 32301  
E-mail: [bobbi.scott@citizensfla.com](mailto:bobbi.scott@citizensfla.com)

Robin Westcott, Director  
Property & Casualty Financial Oversight  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, Florida 32399-0329  
E-mail: [robin.westcott@flair.com](mailto:robin.westcott@flair.com)

Carolyn Morgan  
Property & Casualty Financial Oversight  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, Florida 32399-0329  
E-mail: [carolyn.morgan@flair.com](mailto:carolyn.morgan@flair.com)

Stacy Wilhite, Assistant General Counsel  
Legal Services Office  
Office of Insurance Regulation  
200 East Gaines Street  
Tallahassee, Florida 32399-4206  
E-mail: [stacy.wilhite@flair.com](mailto:stacy.wilhite@flair.com)  
Telephone: (850) 413-4169