



FILED

DEC 27 2022

INSURANCE REGULATION
Docketed by: EL

OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 300875-22-CO

FLORIDA BANKERS HEALTH CONSORTIUM, INC.
/

CONSENT ORDER

THIS CAUSE came on for consideration upon agreement between FLORIDA BANKERS HEALTH CONSORTIUM, INC. ("FBHC") and the FLORIDA OFFICE OF INSURANCE REGULATION ("OFFICE") to address issues relating to the financial condition of FBHC. Following a complete review of the entire record, and upon consideration thereof, and being otherwise advised in the premises, the OFFICE finds as follows:

1. The OFFICE has jurisdiction over the subject matter and the parties herein.
2. FBHC is an authorized domestic multiple employer welfare arrangement pursuant to Sections 624.436 through 624.446, Florida Statutes, and is subject to regulation by the OFFICE, pursuant to the Florida Insurance Code.
3. FBHC received its Certificate of Authority on November 17, 2017, pursuant to Consent Order number 217585-17-CO ("Licensing Consent Order"). In the Licensing Consent Order, FBHC agreed to maintain enough capital to maintain enough capital to meet 300% of the Authorized Control Level Risk-Based Capital.
4. Paragraph 11 of the Licensing Consent Order states:

[FBHC] agrees to maintain enough capital to meet three hundred percent (300%) of the Authorized Control Level Risk-Based Capital as calculated by Methodology

promulgated by the National Association of Insurance Commissioners and described in Section 624.4085, Florida Statutes. [FBHC] shall file a Risk-Based Capital report in the form adopted by the National Association of Insurance Commissioners and Section 624.4085, Florida Statutes, demonstrating compliance with this requirement to the OFFICE at the same time and in the same manner it files its annual financial statement.

5. FBHC has not maintained sufficient capital to meet the 300% of the Authorized Control Level Risk-Based Capital requirement.

6. On November 4, 2022, FBHC submitted a plan to transition from an authorized multiple-employer welfare arrangement to a fully insured multiple-employer welfare arrangement (“Transition Plan”), which, pursuant to Section 624.437(3), Florida Statutes, does not require a Certificate of Authority issued by the OFFICE and is exempt from state insurance regulation in accordance with Pub. L. No. 93-406, the Employee Retirement Income Security Act.

7. FBHC represents that as of January 1, 2023, it will be fully insured by an authorized insurer and that it intends to surrender its Certificate of Authority at such time that it has no outstanding liabilities attributable to business as an authorized multiple-employer welfare arrangement. To request to surrender its Certificate of Authority, FBHC will submit the following:

- a. The original Certificate of Authority issued by the OFFICE; and
- b. An affidavit that FBHC has no outstanding liabilities attributable to its activities as an authorized multiple-employer welfare arrangement pursuant to Sections 624.436 through 624.446, Florida Statutes.

8. Until such time that FBHC surrenders its Certificate of Authority, FBHC agrees that its Certificate of Authority will be suspended on December 31, 2022, at 11:59 p.m., in accordance with Sections 624.420, 624.421, and 624.444, Florida Statutes. FBHC further agrees

that it will not request that its Certificate of Authority be reinstated pursuant to Section 624.444(4), Florida Statutes.

9. FBHC agrees to the following:

a. FBHC will obtain the written approval of the OFFICE before any material deviation from the Transition Plan;

b. FBHC shall continue to file with the OFFICE all documents, information, and financial reports required by the Florida Insurance Code and any supplemental information required by the OFFICE;

c. FBHC will notify the OFFICE before any assessment of employers;

d. FBHC shall continue to honor all claims and liabilities arising from its contractual obligations in the state of Florida; and

e. FBHC shall continue to maintain the fund balance required by Section 624.4392, Florida Statutes.

10. Any prior orders, consent orders, or corrective action plans that FBHC has entered into with the OFFICE prior to the execution of this Consent Order shall apply and remain in full force and effect for FBHC, except where provisions of such orders, consent orders, or corrective action plans have expired; have been superseded by subsequent orders, consent orders, or corrective action plans; or are inconsistent with this Consent Order.

11. Any deadlines, reporting requirements, other provisions, or requirements set forth in this Consent Order may be altered or terminated by written approval of the OFFICE. Such approval must be requested in writing prior to any proposed deviation from the terms of this Consent Order.

12. FBHC affirms that all requirements set forth herein are material to the issuance of

this Consent Order.

13. FBHC 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 they may be entitled by law or rules of the OFFICE. FBHC hereby knowingly and voluntarily waive all rights to challenge or to contest this Consent Order in any forum available to them, now or in the future, including the right to any administrative proceeding, state or federal court action, or any appeal.

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

15. FBHC agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in the OFFICE suspending, revoking, or taking other administrative action as it deems appropriate upon the Certificate of Authority of FBHC in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

16. The parties agree that this Consent Order shall be deemed to be executed when the OFFICE has signed and docketed a copy of this Consent Order bearing the notarized signatures of the individuals or authorized representatives of FBHC.

WHEREFORE, subject to the terms and conditions of which are set forth above, the Certificate of Authority of FLORIDA BANKERS HEALTH CONSORTIUM, INC. is suspended in accordance with Sections 624.420, 624.421, and 624.444, Florida Statutes.

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

DONE and ORDERED this 27 day of DEC., 2022.



David Altmaier

David Altmaier, Commissioner
Office of Insurance Regulation

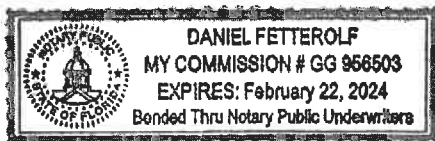
By execution hereof, FLORIDA BANKERS HEALTH CONSORTIUM, INC., consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions and shall be bound by all provisions herein. The undersigned represents that they have the authority to bind FLORIDA BANKERS HEALTH CONSORTIUM, INC., to the terms and conditions of this Consent Order.

FLORIDA BANKERS HEALTH CONSORTIUM, INC.

By: *James H. McKillop III*
Print Name: JAMES H. MCKILLOP III
Title: INTERIM CEO
Date: December 27, 2022

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 27th day of Dec., 2022, by JAMES H. MCKILLOP (name of person)
as INTERIM CEO (type of authority; e.g., officer, trustee, attorney in fact) for FL. BANKERS HEALTH CONSORTIUM (company name)



Daniel Fetterolf
(Signature of the Notary)

DANIEL FETTEROLF
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known OR Produced Identification

Type of Identification Produced 1

My Commission Expires 2/22/2024

COPIES FURNISHED TO:

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