

FILED

DEC 23 2020

INSURANCE REGULATION

Docketed by:



OFFICE OF INSURANCE REGULATION

DAVID ALTMAIER
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 255328-19

QBE INSURANCE CORPORATION

ORDER DISMISSING PETITION FOR FORMAL ADMINISTRATIVE HEARING

The State of Florida, Office of Insurance Regulation (“Office”), being authorized and directed to administer and enforce the Florida Insurance Code, hereby enters this Final Order as authorized by the provisions of the Florida Insurance Code and Chapter 120, Florida Statutes, to The Yacht & Racquet Club of Boca Raton, Inc. (“Complainant”).

1. QBE Insurance Corporation (“QBE”) has possessed a certificate of authority as a foreign property and casualty insurer in Florida since November 9, 2000.

2. On November 6, 2019, Complainant filed a complaint titled “Complaint Regarding QBE’s Refusal to Grant the Policyholder’s Premium Refund Request Related to Loss Mitigation Credits” (“Complaint”) due to QBE refusing to grant Complainant a refund to loss mitigation credits.

3. The Complaint alleged that Complainant was overcharged by QBE for wind coverage for its apartments by failing to properly apply loss mitigation credits under section 627.0629, Florida Statutes, to Complainant’s commercial residential property insurance policies issued by QBE from December 31, 2003 to December 31, 2006.

4. On August 28, 2020, the Office notified Complainant via a letter (“Complaint Resolution Letter”) that after reviewing the allegations made in the Complaint, the Office concluded

there was no probable cause showing a violation of the Florida Insurance Code by QBE and the Office was closing its file without further investigation or action.

5. On September 22, 2020, the Office received a Petition for Formal Administrative Hearing (“Petition”) from Complainant concerning the Office’s Complaint Response Letter.

6. Section 624.01, Florida Statutes, provides that Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651 constitute the “Florida Insurance Code.”

7. The Office is responsible for the administration and enforcement of the Florida Insurance Code and has jurisdiction over the subject matter pursuant to section 20.121(3)(a)1., Florida Statutes, and the Florida Insurance Code. As part of its enforcement duties, the Office is responsible for reviewing the rates charged by an insurer to an insured and ensuring that these rates are in compliance with the Florida Insurance Code. *See* § 627.371 Fla. Stat.

8. A person aggrieved by the refusal of an insurer to grant the review of a rate charged, rating plan, rating system, or underwriting rule followed or adopted by an insurer after receiving a written request to review the manner in which the rate, plan, system, or rule has been applied with respect to insurance afforded the person, that person may file a written complaint with the Office, specifying the grounds relied upon. If the Office has already disposed of the issue as raised by a similar complaint or believes that probable cause for the complaint does not exist or that the complaint is not made in good faith, it shall so notify the complainant. *See* § 627.371(1) Fla. Stat.

9. The Office fulfilled its legal obligations under section 627.371, Florida Statutes, when it mailed the Complaint Resolution Letter to Complainant stating that the Office concluded there was no probable cause showing that QBE violated the Florida Insurance Code and the Office was closing its file without further investigation or action.

10. Complainant does not possess standing to challenge the Office’s determination that QBE’s conduct alleged in the Complaint did not violate the Florida Insurance Code.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED** that The Yacht Club of Boca Raton, Inc.'s Petition for Formal Administrative Hearing is **DISMISSED**.

DONE and ORDERED this 23 day of December, 2020.



David Altmaier

David Altmaier, Commissioner
Office of Insurance Regulation

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Review proceedings must be instituted by filing a Petition or Notice of Appeal with the General Counsel, acting as the agency clerk, at 200 East Gaines Street, Tallahassee, FL 32399-4206, and a copy of the same and filing fee with the appropriate District Court of Appeal within thirty (30) days of the rendition of this Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order Dismissing Petition for Formal Administrative Hearing has been furnished by U.S. Mail and email on this 23rd of December 2020, to:

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