



FILED

JUN 27 2023

INSURANCE REGULATION

Docketed by: ea

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 308532-23

PROTECTIVE INSURANCE COMPANY
_____ /

CONSENT ORDER

THIS CAUSE came on for consideration as the result of PROTECTIVE INSURANCE COMPANY's ("PROTECTIVE") failure to timely file its "Florida Property Claims Litigation Data Call Reporting Form" with the FLORIDA OFFICE OF INSURANCE REGULATION ("OIR") as required by Section 624.424(11), Florida Statutes, and Rule 69O-171.011, Florida Administrative Code. Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the OIR hereby finds as follows:

1. The OIR has jurisdiction over the subject matter and the parties herein. PROTECTIVE is an insurer authorized to transact business in Florida and subject to regulation by the OFFICE, pursuant to the Florida Insurance Code.

2. OIR believes that long term success of Florida's property market requires comprehensive understanding of what is going on within it. To that end, OIR proposed the closed claim data call and from the time it became a statutory requirement, OIR has worked diligently to implement the law and gather data from authorized insurers issuing personal lines or commercial lines residential property insurance policies, in accordance with s. 624.424(11), Florida Statutes.

3. Following the passage of the reporting requirements in Senate Bill 76, OIR issued an Informational Memorandum OIR-22-01M, to all personal and commercial residential property and insurers authorized to do business in Florida to notify them of the passage of the legislation and provide guidance regarding new property claim litigation reporting requirements. As part of the rule making process, OIR published the data call template for the data call and hosted an in-person and virtual workshop to solicit comments on the reporting form template. OIR has emphasized on numerous occasions that insurers review their systems and ensure they are able to accurately collect, and report data as required by Florida law.

4. In January 2023, OIR issued the data call notice for personal and commercial residential property claims litigation reporting to each insurer or insurer group required to submit this data. Companies were encouraged to begin submitting data as soon as possible, ahead of the March 1, 2023, deadline. On February 6, 2023, OIR issued a reminder data call notice and on February 28, 2023, OIR issued a final reminder data call notice for personal and commercial residential property claims litigation reporting. In the final reminder data call notice, OIR notified insurers failure to comply may result in an administrative fine issued for each non-filer, including companies operating within the same holding company system(s).

5. Insurers were required to submit data for the annual Residential Property Claims and Litigation Data Call by March 1, 2023.

6. Rule 69O-171.011, Florida Administrative Code, requires each insurer that issues personal lines or commercial lines residential property insurance policies to file Form OIR-B1-2222, "Florida Property Claims Litigation Data Call Reporting Form," with the OIR covering the preceding calendar year on or before March 1.

7. PROTECTIVE failed to file its 2022 “Florida Property Claims Litigation Data Call Reporting Form” with the OIR, which was due on March 1, 2023.

8. On March 20, 2023, PROTECTIVE filed its 2022 “Florida Property Claims Litigation Data Call Reporting Form” with the OIR.

9. Section 624.4211(1), Florida Statutes, provides that if the OIR finds that one or more grounds exist for the discretionary revocation or suspension of a certificate of authority issued under Chapter 624, Florida Statutes, the OIR may, in lieu of such revocation or suspension, impose a fine upon the insurer.

10. The OIR finds that PROTECTIVE has violated Section 624.424(11), Florida Statutes, and Rule 69O-171.011, Florida Administrative Code. The OIR deems the violation as non-willful warranting a fine in the amount of \$5,000 for the violation pursuant to Section 624.4211(2), Florida Statutes.

11. PROTECTIVE agrees that within 10 days of the execution of this Consent Order, PROTECTIVE shall pay an administrative fine in the amount of \$5,000 U.S. Dollars (“USD”) and administrative costs of \$1,000 U.S. Dollars (“USD”) to the OIR. PROTECTIVE shall send its payment to the address reflected on the invoice attached hereto as “Exhibit A.”

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

13. PROTECTIVE 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 OIR suspending, revoking, or taking other administrative action as it deems

appropriate upon PROTECTIVE's license in this state in accordance with Sections 120.569(2)(n) and 120.60(6), Florida Statutes.

14. PROTECTIVE additionally agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may be considered willful and subject PROTECTIVE to appropriate penalties and fines.

15. PROTECTIVE additionally agrees that any future violations of the statutes or rules named herein may be deemed willful, subjecting PROTECTIVE to penalties as OIR deems appropriate.

16. PROTECTIVE expressly waives a hearing in this matter, the making of findings of fact and conclusions of law by the OIR, and all further and other proceedings herein to which it may be entitled by law or rules of the OIR. PROTECTIVE hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum available to it, now or in the future, including the right to any administrative proceeding, state or federal court action, or any appeal.

17. Except as noted above, each party to this action shall bear its own costs.

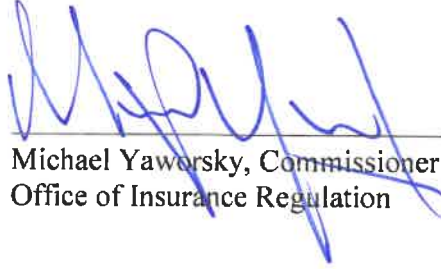
18. The parties agree that this Consent Order shall be deemed to be executed when the OIR has signed and docketed a copy of this Consent Order bearing the notarized signature of the authorized representative of PROTECTIVE.

WHEREFORE, the agreement between PROTECTIVE INSURANCE COMPANY and the FLORIDA OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

All terms and conditions contained herein are hereby ORDERED.

DONE AND ORDERED this 27th day of June, 2023.




Michael Yaworsky, Commissioner
Office of Insurance Regulation

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

PROTECTIVE INSURANCE COMPANY

[Corporate Seal]

By: Sally B. Wignall

Print Name: Sally B. Wignall

Title: SVP, Secretary, General Counsel

Date: June 26, 2023

STATE OF Indiana

COUNTY OF Hamilton

The foregoing instrument was acknowledged before me by means of physical presence

or online notarization, this 26th day of June 2023, by Sally B. Wignall

as Director & Officer for Protective Insurance Company.
(type of authority; e.g., officer, trustee, attorney in fact) (company name)

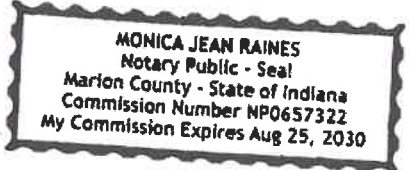
Monica Jean Raines
(Signature of the Notary)

Monica Jean Raines
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known. OR Produced Identification

Type of Identification Produced Known to me

My Commission Expires 8/25/2030



COPIES FURNISHED TO:

SALLY WIGNALL
GENERAL COUNSEL
Protective Insurance Company
111 Congressional Blvd, Suite 500
Carmel, IN 46032
Telephone: (317) 429-2520
Email: Sally_Wignall@progressive.com

SHERYL PARKER
DIRECTOR
Florida Office of Insurance Regulation
P&C Market Regulation
200 East Gaines Street
Tallahassee, Florida 32399

ANDREW PERRIN, ESQ.
ASSISTANT GENERAL COUNSEL
Florida Office of Insurance Regulation
200 E. Gaines Street
Tallahassee, Florida 32399
Telephone: (850) 413-4108
Email: Andrew.perrin@flor.com