



FILED

FEB 05 2024

INSURANCE REGULATION
Docketed by: ke

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 306718-23-CO

XL SPECIALTY INSURANCE COMPANY
On Behalf of AXA INSURANCE COMPANY
Private Passenger Automobile Excessive Profits

CONSENT ORDER

THIS CAUSE came on for consideration as a result of an agreement between XL SPECIALTY INSURANCE COMPANY (“XL SPECIALTY”), on behalf of AXA INSURANCE COMPANY (“AXA”), and the OFFICE OF INSURANCE REGULATION (“OFFICE”). After a complete review of the entire record, and upon consideration thereof, and being fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and the parties to this proceeding.
2. On or about October 27, 2023, merged with XL SPECIALTY to allow XL SPECIALTY to assume all of AXA’s direct claims and liabilities. AXA has no existing policies in the state of Florida and has been in run off since April 2020.
3. On or about April 6, 2023, the OFFICE provided a Notice to AXA that pursuant to Section 627.066, Florida Statutes, data submitted by AXA to the OFFICE indicated that excessive profits had been realized for the statutory period covering calendar/accident years 2019, 2020, and 2021.

4. On April 10, 2023, AXA was served with the Notice. AXA failed to request a hearing within 21 days of service.

5. On May 9, 2023, the OFFICE issued a Final Order in this matter. Subsequently, XL SPECIALTY, on behalf of AXA, and the OFFICE reached an agreement. The terms of the agreement are set forth in this Consent Order. XL SPECIALTY, on behalf of AXA, consents to the OFFICE vacating the Final Order.

6. As of March 31, 2021, the final excessive profit amount for the calendar/accident years 2019, 2020, and 2021 is \$116,786.

7. The OFFICE agreed the excessive profit amount of \$116,786 was recognized by AXA for statutory accounting purposes and “incurred” for the purpose of reporting in subsequent years pursuant to Section 627.066(12), Florida Statutes, for the calendar/accident year 2019, 2020, and 2021.

8. XL SPECIALTY, on behalf of AXA, shall either issue cash refunds within 60 days of entry of this Consent Order or make refunds in the form of a credit to renewal policies which shall be applied to the policy renewal premium more than 60 days after entry of this Consent Order, or a combination of both, consistent with Section 627.066 (11), Florida Statutes.

9. XL SPECIALTY, on behalf of AXA, shall attempt to locate policyholders whose refund checks are returned. AXA shall report and process any unclaimed excessive profit funds as unclaimed or abandoned property in accordance with the provisions of Chapter 717, Florida Statutes.

10. Upon completion of the refund payments, or renewal credits if applicable, and attempts to locate policyholders whose refund checks are returned, and in compliance with the abandoned property provisions of Chapter 717, Florida Statutes, as necessary, XL SPECIALTY,

on behalf of AXA, shall certify to the OFFICE all such efforts have been completed pursuant to Section 627.066(11) and Chapter 717, Florida Statutes.

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. XL SPECIALTY, on behalf of AXA, expressly waives notice and 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. XL SPECIALTY, on behalf of AXA, hereby knowingly and voluntarily waives 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 as provided under Sections 627.066, 120.569 and 120.57, Florida Statutes.

13. Any prior orders, consent orders, or corrective action plans that AXA has entered into with the OFFICE prior to the execution of this Consent Order shall apply and remain in full force and effect for AXA, 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.

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

15. 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 signature of the authorized representative of AXA.

WHEREFORE, the agreement between XL SPECIALTY INSURANCE COMPANY, on behalf of AXA INSURANCE COMPANY, and the OFFICE OF INSURANCE REGULATION, the terms and conditions of which are set forth above, is APPROVED.

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

DONE and ORDERED this 5th day of February, 2024.





Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, XL SPECIALTY INSURANCE COMPANY consents to the entry of this Consent Order and agrees without reservation to all of the above terms and conditions and shall be bound by all provisions therein. The undersigned represents that he or she has the authority to bind XL SPECIALTY INSURANCE COMPANY to the terms and conditions of this Consent Order.

XL SPECIALTY INSURANCE COMPANY

By: [Signature]

[Corporate Seal]

Print Name: Sarah B Mims

Title: SVP

Date: 1/30/24

STATE OF New York

COUNTY OF New York

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30 day of January 2024, by Sarah B Mims
(name of person)

as Senior Vice President for XL Specialty Insurance Company
(type of authority; e.g., officer, trustee, attorney in fact) (company name)

[Signature]
(Signature of the Notary)

Ann Marie Tesoriero
(Print, Type or Stamp Commissioned Name of Notary)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

My Commission Expires 7/31/2026

ANN MARIE TESORIERO
Notary Public, State Of New York
No.01TE4773009
Qualified In Richmond County
Commission Expires 7/31/2026

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