

MEMORANDUM

TO: Authorized Life and Health Insurance Companies and Accredited Reinsurers in the State of Florida Filing on the Health Blank.¹

FROM: Al Willis, Director
Life & Health Financial Oversight

DATE: December 31, 2009

SUBJECT: Filing Requirements for Financial Reporting Due During 2010

The instructions included in this package apply to FOREIGN, ALIEN, and FLORIDA DOMICILED entities licensed to do business in Florida.

The Florida Office of Insurance Regulation ("OIR") no longer accepts paper filings of financial statements and related documents. All filings will continue to be made utilizing the Annual and Quarterly Statement Instructions and Blanks adopted by the National Association of Insurance Commissioners ("NAIC"). The instructions herein are provided for the purpose of reference only and should not be interpreted as any alteration, amendment, or replacement of statutory requirements.

These instructions have been prepared using the standardized checklist format recommended by the NAIC and have been adapted to include filings now required through the REGULATORY ELECTRONIC FILING SYSTEM ("REFS") in addition to filings required by the NAIC.

PLEASE NOTE: Please access the REFS User Guide and Tutorial on OIR's website for guidance in accessing and utilizing REFS. See the links below.

<https://apps.fldfs.com/REFS/Security/LogOn.aspx>

[OIR Website](#)

<http://www.floir.com/>

Important Highlights:

The terms 'Filing', 'Filings', 'File', etc., within these instructions will mean the electronic filings made through the NAIC and REFS and should not be construed at anytime to mean a paper filing.

A properly executed Jurat Page still is REQUIRED to be timely filed as instructed herein. The difference is it will no longer be filed in papercopy. The filing of the Jurat Page will now be accomplished by printing the Company's Jurat Page, acquiring the appropriate signatures and notary attestations and uploading the executed Jurat Page in pdf format to REFS.

Notable highlights include:

With the exception of the Jurat Page and certain Florida state-specific requirements (which are both filed through REFS), all filings should be filed electronically with the NAIC on or before the designated deadline pursuant to Florida Statutes. Please do not file paper copies with the Office unless specifically requested to do so. **Late fines will be imposed for all filings not meeting these filing requirements.**

PLEASE NOTE: Florida-domiciled companies (including Alien Companies using Florida as a state of entry) must file ALL financial statements and supplemental forms with the NAIC and REFS pursuant to the respective requirements. Please do not file paper copies with the Office unless specifically requested to do so.

Premium tax returns and checks for payment of filing fees and premium tax payments **SHOULD NEVER** be submitted to OIR. See Instructions 'C' and 'D' herein for information on these filings with the Florida Department of Revenue.

We hope that this and the enclosed instructions assists in your management of required filings.

Questions may be referred to:

Life & Health Financial Oversight
Telephone Number: (850) 413-3153

(Also, refer to Instruction 'A' of "Filing Instructions").

¹Companies seeking to obtain Accredited Reinsurer status in the State of Florida are required to file an application.

General Instructions For Companies to Use Checklist

Please Note: This state's instructions for companies to file with the NAIC are included in this Checklist. The NAIC will send mailing labels and other information to all companies but will not be sending their own checklist this year.

Electronic filing is intended to include filing via the Internet or via diskette with the NAIC. Companies that file with the NAIC via the Internet are not required to submit diskettes to the NAIC. Companies are not required to file hard copy filings with the NAIC.

ATTENTION FOREIGN COMPANIES:

The Following Documents Are Required To Be Filed Electronically In REFS By All Foreign Companies Pursuant To The Respective Instructions Provided Herein:

1. A Original Signed and Notarized Jurat Page
2. Notification of Adverse Financial Condition (if applicable)
3. Certificate of Compliance
4. Certificate of Deposit
5. Certificate of Valuation
6. Audited Financial Statements Exemption Affidavit (if applicable)
7. Florida Service of Process Consent and Agreement (update as needed)
8. Insurance Department Financial Exams
9. Regulatory Asset Adequacy Issues Summary
10. Report on Deficiencies in internal control **(ONLY IF THERE ARE SIGNIFICANT DEFICIENCIES).**

Companies may use the checklist to submit to a state, if the state requests it.

Column (2) (Line #)

Line # refers to a standard filing number used for easy reference. This line number may change from year to year.

Column (3) (Required Filings)

Name of item or form to be filed.

The Annual Statement Electronic Filing includes the annual statement data and all supplements due March 1, per the Annual Statement Instructions. This includes all detail investment schedules and other supplements for which the Annual Statement Instr

GENERAL INSTRUCTIONS - CONTINUED

The **March .PDF Filing** is the .pdf file for annual statement data, detail for investment schedules, Officers and Directors Information and supplements due March 1.

The **Risk-Based Capital Electronic Filing** includes all risk-based capital data.

The **Separate Accounts Electronic Filing** includes the separate accounts annual statement and investment schedule detail.

The **Separate Accounts .PDF Filing** is the .pdf file for the separate accounts annual statement and all investment schedule detail.

The **Supplemental Electronic Filing** includes all supplements due April 1, per the Annual Statement Instructions.

The **Supplement .PDF Filing** is the .pdf file for all supplemental schedules and exhibits due April 1.

The **Quarterly Electronic Filing** includes the quarterly statement data.

The **Quarterly .PDF Filing** is the .pdf for quarterly statement data.

The **June .PDF Filing** is the .pdf file for the Audited Financial Statements.

Column (4) ***(Number of Copies)***

Indicates the number of copies that each foreign or domestic company is required to file for each type of form. The Blanks (e) Task Force modified the 1999 Annual Statement Instructions to waive paper filings of certain NAIC supplements and certain investment schedule detail if certain investment schedule data is available to the states via the NAIC database. The checklists reflect this action taken by the Blanks (EX4) Task Force. XXX appears in the "Number of Copies" "Foreign" column for the appropriate schedules and exhibits.

Column 5 ***(Due Date)***

Indicates the date on which the company must file the referenced form either via REFS or the NAIC.

Column (6) ***(Form Source)***

This column contains one of three words: "NAIC", "State", or "Company". If this column contains "NAIC", the company must obtain the forms from the appropriate vendor. If this column contains "State", the state will provide the forms with the filing instructions (generally, on the state website). If this column contains "Company", the company or its representative (e.g., its CPA firm), is expected to provide the form base upon the appropriate state instructions or the NAIC Annual Statement instructions.

Column (7) ***(Applicable Notes)***

This column contains references to the Notes to the Instructions that apply to each item listed on the checklist. The company should carefully read these notes **before** submitting a filing.

2010 FILING REQUIREMENTS INSTRUCTIONS: QUESTIONS & ANSWERS

1. The instructions indicate that the deadlines for filing required 2009/2010 annual and quarterly financial statements are March 1, May 15, August 15th, and November 15th. How will the date of filing be determined?

Answer:

OIR will no longer receive financial statements and related filings via papercopy. The applicable financial statement filings must be physically filed through the NAIC on or before the applicable date specified, i.e. August 15, or November 15, etc., in accordance with the instructions for filing herein. A Jurat page signed by at least two (2) Executive Officers must be available through REFS on or before the aforementioned filing dates.

(Also, refer to Instruction 'B' of "Filing Instructions").

2. If filing requirement deadlines fall on a weekend or holiday, when is the filing due?

Answer:

The deadline would be moved to the following first business day.

3. Will companies submitting filings late be fined?

Answer:

Furthermore, failure to timely file required filings is grounds for suspension of the company's Certificate of Authority.

YES

(Also, refer to Instruction 'F' of "Filing Instructions").

4. May I mail my check for the premium tax payments to OIR?

Answer:

NO

Companies must continue to remit premium tax payments directly to the Florida Department of Revenue in accordance with instructions provided in this guide.

(Also, refer to Instruction 'D' of "Filing Instructions").

5. May I mail my check for the annual/quarterly filing fee to OIR?

Answer:

NO

Companies must continue to remit annual/quarterly filing fees directly to the Florida Department of Revenue in accordance with instructions provided in this guide.

(Also, refer to Instruction 'C' of "Filing Instructions").

6. My company has received information from the NAIC regarding its project for electronic filing of certain schedules. Does the Office of Insurance Regulation require hardcopy filing of these schedules?

Answer:

NO

Please closely review the instructions herein. Florida no longer accepts the papercopy filing of financial statements for foreign or domiciled insurance companies.

7. Does the Office of Insurance Regulation require the filing of Risk Based Capital reports?

Answer:

YES

Only Florida domiciled companies are required to file Risk Based Capital reports.

(Also, refer to Instruction 'Z' of "Filing Instructions").

8. I have read the entire package but I still have questions regarding financial filings and/or solvency requirements (vs rate/form or other). How can I reach the Financial Examiner in charge of my company?

Answer:

Companies are assigned to Financial Examiners according to certain factors and the assignments rotate periodically. The Office's automated telephone system is designed to assist you in reaching the individual needed. To reach Life & Health Financial Oversight directly, dial (850) 413-3153. An Operator or Secretary will guide you to the individual Financial Examiner assigned to your company.

LIFE, ACCIDENT AND HEALTH INSURERS (Health Blank)
(not applicable for Fraternal Societies or HMOs)

COMPANY NAME: _____ NAIC Company Code: _____

Required Filings in the State of **FLORIDA** Filings Made During the Year **2010**

| (1) Checklist | (2) Line # | (3) REQUIRED FILINGS FOR FLORIDA | (4) NUMBER OF COPIES* | | | (5) DUE DATE | (6) FORM SOURCE | NOTE REFERENCES |
|---|------------|--|-----------------------|------|---------|------------------------|---------------------|--|
| | | | Domestic | | Foreign | | | |
| | | | State | NAIC | | | | |
| I. NAIC FINANCIAL STATEMENTS | | | | | | | | |
| | 1 | Annual Statement (8 1/2"x14") with printed Investment Schedule detail (Pages E01 - E25). | REFS | EO | XXX | 3/1 | NAIC | A, B, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, W, X, Z |
| | 1.1 | Signed/Notarized Jurat Page | REFS | EO | REFS | 3/1, 5/15, 8/15, 11/15 | NAIC | A, B, C, E, F, G, H, J, M |
| | 2 | Quarterly Financial Statement (8 1/2" x 14") | REFS | EO | XXX | 5/15, 8/15, 11/15 | NAIC | A, B, C, E, F, G, H, I, J, K, L, M, N, W |
| II. NAIC SUPPLEMENTS | | | | | | | | |
| | 10 | Accident & Health Policy Experience Exhibit | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, K, N |
| | 11 | Investment Risks Interrogatories | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, K, N, X |
| | 12 | Life Supplemental Data Due March 1 | XXX | EO | XXX | 1-Mar | NAIC | A, B, E, F, I, K, L, N |
| | 13 | Life Supplemental Statement non-guaranteed elements-EX. 5, Int. #3 | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, I, K, L, N |
| | 14 | Life Supp Statement on par/non-par policies - Exh 5 Int. 1.1 | XXX | EO | XXX | 1-Mar | Company | A, B, E, F, I, K, L, N |
| | 15 | Life Supplemental Data due April 1 | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, I, K, L, N |
| | 16 | Life, Health & Annuity Guaranty Assessment Base Reconciliation Exhibit | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, K, N |
| | 17 | Adjustments to the Life, Health & Annuity Guaranty Association Model Act | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, K, N |
| | 18 | Long Term Care Experience Reporting Forms - A, B, C | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, I, K, L, N |
| | 19 | Management Discussion & Analysis | REFS | EO | XXX | 1-Apr | Company | A, B, E, F, I, K, L, N |
| | 20 | Medicare Part D Coverage Supplement | XXX | EO | XXX | 3/1, 5/15, 8/15, 11/15 | NAIC | A, B, E, F, K, N |
| | 21 | Medicare Supplement Insurance Experience Exhibit | XXX | EO | XXX | 1-Mar | NAIC | A, B, E, F, I, K, L, N |
| | 22 | Risk-Based Capital Report | REFS | EO | XXX | 1-Mar | NAIC | A, B, E, F, I, K, N, Z |
| | 23 | Schedule SIS | REFS | N/A | XXX | 1-Mar | NAIC | A, B, E, F, K |
| | 24 | Statement of Actuarial Opinion (Based on Asset Adequacy Analysis)* | XXX | EO | XXX | 1-Mar | Company | A, B, E, F, I, K, Q, X |
| | 25 | Property/Casualty Supplement | XXX | EO | XXX | 1-Mar | NAIC | A, B, E, F, K |
| | 26 | Property/Casualty Supplement | XXX | EO | XXX | 1-Apr | NAIC | A, B, E, F, K |
| | 27 | Supplemental Compensation Exhibit | REFS | N/A | XXX | 1-Mar | NAIC | A, B, E, F, K, N |
| | 28 | Trusted Surplus Statement | REFS | EO | XXX | 3/1, 5/15, 8/15, 11/15 | NAIC | A, B, E, F, K, N |
| III. NAIC ELECTRONIC FILING REQUIREMENTS | | | | | | | | |
| | 30 | Annual Statement Electronic Filing | XXX | 1 | XXX | 1-Mar | NAIC | N |
| | 31 | March .PDF Filing | XXX | 1 | XXX | 1-Mar | NAIC | N |
| | 32 | Risk-Based Capital Electronic Filing | XXX | 1 | XXX | 1-Mar | NAIC | N |
| | 33 | Risk-Based Capital .PDF Filing | XXX | 1 | XXX | 1-Mar | NAIC | N |
| | 34 | Supplemental Electronic Filing | XXX | 1 | XXX | 1-Apr | NAIC | N |
| | 35 | Supplemental .PDF Filing | XXX | 1 | XXX | 1-Apr | NAIC | N |
| | 36 | June .PDF Filing | XXX | 1 | XXX | 1-Jun | NAIC | N |
| | 37 | Quarterly Electronic Filing | XXX | 1 | XXX | 5/15, 8/15, 11/15 | NAIC | N |
| | 38 | Quarterly .PDF Filing | XXX | 1 | XXX | 5/15, 8/15, 11/15 | NAIC | N |
| | 39 | June .PDF Filing | XXX | 1 | XXX | 1-Jun | NAIC | N |
| IV. AUDITED FINANCIAL STATEMENTS | | | | | | | | |
| | 51 | Accountants Letter of Qualifications | REFS | EO | XXX | 1-Jun | Company | A, B, F, K, Y |
| | 52 | Audited Financial Statements | REFS | EO | XXX | 1-Jun | Company | A, B, F, K, Y |
| | 53 | Audited Financial Statements Exemption Affidavit (if Applicable) | REFS | EO | REFS | 1-Mar | Company | A, B, F, K, Y |
| | 54 | Designation of Independent CPA/Awareness Letter | REFS | N/A | XXX | Prior to 12/31 | Company | A, B, F, K, Y |
| | 55 | Notification of Adverse Financial Condition | REFS | N/A | REFS | 5 Days | Company | A, B, F, K, Y |
| | 56 | Report of Significant Deficiencies in Internal Controls (SEE BELOW)** | REFS | N/A | REFS** | 1-Jun | Company | A, B, F, K, Y |
| | 57 | Request to File a Consolidated or Combined Statement | REFS | N/A | REFS | Prior to 12/31 | Company | A, B, F, K, Y |
| V. STATE REQUIRED FILINGS | | | | | | | | |
| | 101 | Certificate of Compliance | XXX | N/A | REFS | 1-Mar | State | A, B, E, F, K, O |
| | 102 | Certificate of Deposit | XXX | N/A | REFS | 1-Mar | State | A, B, E, F, K, P |
| | 103 | Certificate of Valuation | XXX | N/A | REFS | 1-Mar | State | A, B, E, F, K, Q |
| | 104 | Filings Checklist (with Column 1 completed) | REFS | EO | XXX | 1-Mar | State | W |
| | 105 | Regulatory Asset Adequacy Issues Summary* | REFS | N/A | REFS | 15-Mar | Company | A, B, E, G, J, M, N, X |
| | 106 | Statement of Actuarial Opinion (Based on Asset Adequacy Analysis)* | REFS | EO | XXX | 1-Mar | Company | A, B, E, G, J, M, N, X |
| | 107 | Florida Premium tax | 1 | N/A | 1 | FL Dept. of Revenue | FL Dept. of Revenue | D |
| | 108 | State Filing Fees | 1 | N/A | 1 | 3/1, 5/15, 8/15, 11/15 | FL Dept. of Revenue | C |
| | 109 | Florida Service of Process Consent and Agreement | 1 | N/A | 1 | Keep Current | State | A, B, E, F, K, S |
| | 110 | Insurance Department Financial Exams | N/A | N/A | REFS | When Public | Domicile State | A, B, E, F, K, T |
| | 111 | Reinsurance Summary Statement | REFS | N/A | XXX | See Note U | State | A, B, E, F, H, K, U |
| | 112 | Holding Company Registration Statement | REFS | N/A | XXX | Keep Current | State | A, B, E, F, H, V |
| | 113 | Disclosure of Material Transactions | REFS | N/A | XXX | As Required | State | A, B, E, F, K, R |
| | 114 | Certificate of Authority Annual License Tax | 1 | N/A | 1 | 30-May | State | A, F, K, AA |

*If XXX appears in a column, this state does not require this filing if a copy is filed with the state of domicile and/or the data is filed electronically with the NAIC. **Should be submitted through REFS only if there are significant deficiencies/reportable conditions in internal control.

Instruction

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)

A Life & Health Financial Oversight Contact Information:

Life & Health Entities

Managed Care Entities

These Instructions apply only to Life and Health entities utilizing the Health Blank to file financial statements. There are separate instructions available on the Florida website addressing companies filing on the Life, Accident and Health

NOTE: The instructions herein do not apply to **Managed Care Entities, including; HMOs; DMPO's; PLHSOs; or PHCs)**

[\[See - Life and Health Reporting and Fraternal Reporting\]](#)

[\[See - Required Filings for Managed Care Entities\]](#)

Life & Health Financial Oversight
Office of Insurance Regulation (Office)
(850) 413-3153

Life & Health Financial Oversight
Office of Insurance Regulation (Office)
(850) 413-5052

B Mailing/Delivery Addresses:

Where to File:

As previously indicated, the Florida Office of Insurance Regulation ("OIR") will no longer be accepting paper copy filings of financial statements and related documents. All financial statements and financial statement related document filings must be made electronically through the National Association of Insurance Commissioners ("NAIC") and through OIR's REGULATORY ELECTRONIC FILING SYSTEM ("REFS").

To Access REFS (Industry Portal):

To Access the NAIC:

[OIR Website: www.flor.com](http://www.flor.com)

[NAIC Website: www.NAIC.org](http://www.NAIC.org)

(Also, refer to Note 'E' of "Filing Instructions")

Should you need to contact the Office for reasons other than for filing financial statements and financial statement related documents, please refer to the address information below:

THE FOLLOWING ADDRESSES ARE NOT FOR FINANCIAL STATEMENTS AND RELATED DOCUMENT FILINGS

VIA MAIL:

VIA HAND DELIVERY:

VIA COURIER:

Office of Insurance Regulation
Larson Building
Attn: Life & Health Financial Oversight
200 East Gaines Street
Third Floor, Room 319
(850) 413-3153

Office of Insurance Regulation -
Larson Building
Attn: Life & Health Financial
Oversight
200 East Gaines Street
Tallahassee, FL 32399-0327

C Filing Fees, §624.424(4) and §624.501(4)(a) & (4)(b), Florida Statutes:

The \$250 Annual and Quarterly Statement Filing Fees should NOT be filed/submitted to the Office of Insurance Regulation (Office).

Annual and Quarterly Statement Filing Fees should be remitted to the Florida Department of Revenue with the annual and quarterly premium taxes on Form DR-908 (annual) and Form DR-907 (quarterly) in accordance with instructions provided for those forms. To obtain copies of, or for assistance in completing, the forms, insurers should contact the Florida Department of Revenue directly. All Annual and/or Quarterly Statement Filing Fees filed/submitted to the Office will be returned to the Company.

**** PLEASE NOTE:** Any delays in receipt by the Department of Revenue may result in penalties and interest being assessed by the Department of Revenue.

IN FLORIDA: (800) 352-3671

OUTSIDE FLORIDA: (850) 488-6800

Or visit their website by clicking on the link below:

<http://www.myflorida.com/dor/>

D Florida Premium Tax Report and Remittance, §624.509, Florida Statutes:

The Florida Premium Tax Report/Forms and Remittance should NOT be filed/submitted to the Office of Insurance Regulation (Office).

Florida Premium Tax Payments should be remitted directly to the Florida Department of Revenue on forms DR-907 (quarterly) and DR-908 (annual) in accordance with instructions provided for those forms by the Florida Department of Revenue. To obtain copies of the forms or for assistance in completing the forms, insurers should contact the Florida Department of Revenue directly. All Florida Premium Tax Reports/Forms and/or remittances filed/submitted to the Office will be returned to the Company.

Instruction

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)

**** PLEASE NOTE:** Any delays in receipt by the Department of Revenue may result in penalties and interest being assessed by the Department of Revenue.

IN FLORIDA: 1 - (800) 352-3671 OUTSIDE OF FLORIDA: 1 - (850) 488-6800 Or by clicking on the link below:

<http://www.myflorida.com/dor/>

Mailing Address for Premium Tax Payments:
Florida Department of Revenue
5050 West Tennessee Street
Tallahassee, Florida 32399-0100

E

Delivery Instructions:

All Quarterly and Annual Financial Statements and related documents must be electronically filed with the NAIC no later than the indicated statutory due date. If the due date falls on a weekend or a holiday, then the deadline is extended to the next business day. The Jurat page and any additional required filings should be filed through REFS on or before the statutory filing date for quarterly or annual financial statement filings. There are four (4) separate statutory filing dates for annual financial statement filings : March 1, March 15, April 1, June 1. Late filings may be subject to administrative penalties. (Also, refer to Note 'B', 'F' and 'G' of "Filing Instructions")

F

Late Filings:

Companies will be fined \$1000 plus \$50 per day for late filings. The company's license may be suspended if filings are not received in a timely manner.

G

Original Signatures:

The Jurat page requires at least two (2) signatures pursuant to Section 624.424, Florida Statutes and then uploaded into REFS (see Note X). Original signatures are required on annual and quarterly Jurat pages filed by all insurers, domestic, foreign, or alien companies using Florida as their port of entry. (See Also Note H) Original signatures are also required on the Statement of Actuarial Opinion (based on Asset Adequacy Analysis), and Regulatory Asset Adequacy Issues Summary. (See Note X).

H

Signature/Notarization/Certification:

GENERAL: Annual and Quarterly Statement filings must have Jurat pages signed by at least two Executive Officers whose name appears on the Jurat page. The Jurat page is required to be properly notarized and then uploaded into REFS.

Special Instructions:

Refer to "Filing Instructions"

OIR-D0-1433 Reinsurance
Summary Statement:

(Note U):

Must be signed and notarized

OIR-D0-1431 Audited Financial Statements Exemption Affidavit:

Must be signed and notarized

OIR-C1-1524 Uniform Consent to Service of Process:

(Note S):

Must be signed and sealed

OIR-D0-516 Holding Company System Registration Statem

(Note V):

Signed, sealed & notarized

I

Amended Filings:

See NAIC Annual Statement instructions for guidance on amended filings.

J

Exceptions from normal filings:

Florida no longer requires life and health insurance companies to file paper copy financial statements. However, a signed Jurat Page, Statement of Actuarial Opinion (based on Asset Adequacy Analysis), Regulatory Asset Adequacy Issues Summary and any other Florida specific filing not available to be downloaded from the NAIC database are required to be filed through REFS by all companies in compliance with the filing deadlines as defined herein. (See Note M)

K

Bar Codes:

NAIC Bar Codes are not required.

L

"NONE" Filings:

See NAIC Annual Statement Instructions regarding the filing of "NONE" or noting "N/A" on forms.

M

Filings new, discontinued or modified materially since last year:

Authorized life and health companies are no longer required to file hardcopy financial statements (See Note J). Companies are required to upload into REFS a PDF copy of the Jurat Page signed by at least 2 Executive Officers of the Company. The Jurat Page must be filed in REFS within forty-eight (48) hours after the quarterly/annual financial statement filing deadline to avoid a late filing fee. Additionally, the following documents are required to be uploaded into REFS by the filing deadlines indicated in the instructions herein:

NONE

| Instruction | <u>NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)</u> |
|-----------------|--|
| <u>N</u> | <u>Electronic Filing</u> |
| | Annual and quarterly statement filings should be sent to the NAIC in computer readable format, either via diskette or internet. Internet filing instructions may be found on the NAIC website at: www.NAIC.org For Florida specific supplemental information, file through REFS (see note B). |
| <u>O</u> | <u>Certificate of Compliance:</u> |
| | Each insurer shall file through REFS a Certificate of Compliance, issued by the public official having supervision of insurance in the insurer's state of domicile, with the Annual Statement. It shall certify that the company is duly organized and authorized to transact insurance therein and the kinds of insurance the company is authorized to transact. All Florida domestic insurers are exempt from this requirement. |
| <u>P</u> | <u>Certificate of Deposit:</u> |
| | Each insurer shall file through REFS a Certificate of Deposit, issued by the public official having supervision of insurance in the insurer's state of domicile, with the Annual Statement. It shall certify the amount and the composition of the deposit maintained by the insurer in another state. The certificate must be an original, sealed by the insurer's state of domicile. (See Also, Note M) All Florida domestic companies are exempt from this requirement. |
| <u>Q</u> | <u>Certificate of Valuation:</u> |
| | Each foreign insurer shall file through REFS a Certificate of Valuation, issued by the public official having supervision of insurance in the insurer's state of domicile, with the Annual Statement. The certificate must be an original, and certified by the insurer's state of domicile. ALL FLORIDA DOMESTIC COMPANIES PLEASE REFER TO A MEMORANDUM ISSUED DECEMBER 31, 2010, FOR INSTRUCTIONS IN REGARD TO OBTAINING A CERTIFICATE OF VALUATION. See: December 31, 2010 - Memorandum Attached with these Instructions |
| <u>R</u> | <u>Disclosure of Material Transactions:</u> |
| | Florida Statute 624.448 requires that each domestic insurer shall file a report with the Office of Insurance Regulation disclosing a material acquisition of assets, a material disposition of assets, or a material non-renewal, cancellation, or revision of a ceded reinsurance agreement, unless the material acquisition or disposition of assets of the material non-renewal, cancellation, or revision of a ceded reinsurance agreement has been submitted to the Office for review, approval, or informational purposes under another section of the Florida Insurance Code or adopted rule. <u>A copy of the report and each exhibit or other attachment must also be filed by the insurer with the National Association of Insurance Commissioners.</u> The report required in this section is due within 15 days after the end of the calendar month in which the transaction occurs. Insurers should refer to Florida Statute 624.448 for complete detail of the filing requirements. Florida Statutes and Rules can be accessed on the internet at the following address: www.flor.com |
| <u>S</u> | <u>Service of Process Consent and Agreement, §624.422, Florida Statutes:</u> |
| | Each Insurer is required to keep current with the Office the designation of the name and address of the person to whom process against it, served upon the Commissioner of Insurance Regulation, is to be forwarded. The insurer may change the designation at any time by making a new filing. If there is a need to make a new filing, please telephone Pam Edenfield at (850) 413-4102 for current instructions. (Also, refer to Note 'H' of "Filing Instructions"). |
| <u>I</u> | <u>Insurance Department Examination Reports:</u> |
| | A copy of the domicile state's examination reports, both Financial and Market Conduct, are required to be filed with this Office or sent electronically as soon as they are filed by the company's home state. If you have not already done so, please forward a copy of your most recent examination report. |
| <u>U</u> | <u>Reinsurance Document Filing Requirements, §624.610(11), Florida Statutes:</u> |
| | Any domestic or commercially domiciled insurer ceding directly written loss under this section shall within 30 days of receipt of a summary statement or cover note, or in no event not later than 6 months after the effective date of the reinsurance treaty, file with the Office one copy of a summary statement containing the information about each treaty, as required by §624.610(11), Florida Statutes. (See Note H). The summary statement shall be signed and attested to by either the Chief Executive Officer or the Chief Financial Officer of the reporting insurer. DO NOT FILE A COPY OF THE If the summary statement prepared by the ceding insurer discloses that the net effect of a reinsurance treaty or treaties (or a series of treaties with one or more affiliated reinsurers entered into for the purpose of avoiding the following threshold amount) at any time results in an increase of more than 25 percent to the insurer's surplus as to policyholders, then the insurer shall certify in writing to the Office that the relevant reinsurance treaty or treaties complies with the accounting requirements promulgated by the Office pursuant to Florida Statute 624.610. The subsection does not apply to contracts of facultative reinsurance, foreign or alien insurers, except those commercially domiciled, or any ceding insurer with surplus as to policyholders that exceeds \$100 million as of the immediately preceding December 31. Additionally, any ceding insurer otherwise subject to this section with less than \$500,000 in direct premiums written in this state during the preceding calendar year or with less than 1,000 policyholders at the end of the preceding calendar year is exempt from the requirements of this subsection. However, any ceding insurer otherwise subject to this section with more than \$250,000 in direct premiums written in this state during the preceding calendar quarter is not exempt from the requirement of this subsection. |

Instruction

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)

K

Insurance Holding Company Registration and Regulation, Florida Statue 628.801 and Rule 690-143, Part V, Florida Administrative Code:

Every insurer authorized to do business in this state which is a member of an insurance holding company system shall be subject to regulation with respect to its relationship to such holding company as provided by rule or statute. A current Insurance Holding Company System Registration Statement, Form OIR-D0-516, may be obtained from the Life and Health section of the Office's website. **(Also, refer to Note 'H' of "Filing Instructions").**

A foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in Rule 690-143.046 and 690-143.047, Florida Administrative Code shall not be required to file with Florida under this section unless requested by this Office.

→ Filing is mandatory for Florida Domestic Companies. ←

Chapter 690-143. of the Florida Rules and Regulations defines a holding company system as "two or more affiliated persons, one or more of which is an insurer". An affiliate is defined as "a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified". Control is defined as "possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person". Please review the rule for complete definitions and requirements.

W

Filing Checklist Instructions:

Florida Domiciled Companies and Alien Companies using Florida as their Port of Entry must attach a Filings Checklist to each filing submitted to the Office. Fill in the company name, federal employer identification number, and the NAIC company code. Check off the items being submitted and file with the Jurat page through REFS. A Filings Checklist is optional for foreign companies.

X

Actuarial Opinion of Reserves

A statement of opinion by the insurer's appointed actuary on the adequacy of the reserves and related actuarial items based upon an asset adequacy analysis in accordance with Rule 690-138.046 of the Florida Administrative Code is required. If an opinion filed with the insurer's state of domicile is not consistent with the requirements of rule 690-138, Florida Administrative Code, then a copy of the opinion required by the Florida rule shall be submitted no later than March 15.

In accordance with Section 625.121(3), Florida Statutes, the appointed actuary shall prepare a Regulatory Asset Adequacy Issues Summary, the contents of which are specified in subsection 690-138.047(3) of the Florida Administrative Code. The Regulatory Asset Adequacy Issues Summary shall be submitted through REFS no later than March 15.

Contact Kerry Krantz, FSA, MAAA at (850) 413-5038 regarding actuarial questions.

Y

Audited Financial Reports (ONLY Florida Domestic WILL FILE THROUGH REFS)

Only authorized insurers holding a Certificate of Authority are required to file. Entities that do not have a Certificate of Authority, such as accredited reinsurers, are requested to file with the Office so that the Office can carry out statutory duties. The Audited Financial Report must be filed with the NAIC on or before June 1 for the preceding year ending December 31. However, the Office may require an insurer to file an Audited Financial Report earlier than June 1 upon 90 days advance notice to the insurer.

EXEMPTION; Pursuant to §624.424(8)(b), Florida Statutes, any authorized insurer "having direct premiums written in this state of less than \$1 million in any calendar year and fewer that 1,000 policyholders or certificateholders of directly wirtten policies nationwide at the end of such calendar year is exempt" from filing an annual audited financial statement for that year pursuant to certain stipulations. Please review this statute carefully. An insurer seeking such exemption must file an affidavit pursuant to the stipulations noted therein on or prior to March 1 following the year to which the exemption applies.

The Annual Audited Financial Report shall report the financial position of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows, and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed, or otherwise permitted, by the Department of the state of domicile.

The Annual Audited Financial Report shall include the following:

1. Report of independent Certified Public Accountant;
2. Balance sheet reporting admitted assets, liabilities, capital and surplus;
3. Statement of operations;
4. Statement of cash flows;
5. Statement of changes in capital and surplus; and
6. The financial statements included in the Audited Financial Report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the Annual Statement of the insurer filed with the Office. The financial statements shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31.
7. The requirements for filing by an accredited reinsurer are found in §624.610(3)(b)1(d), Florida Statutes.
8. Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions and any other notes required by generally accepted accounting principles and shall also include:
 - a. A reconciliation of differences, if any, between the Audited Financial Report and the Annual Statement filed pursuant to §624.424, Florida Statutes, with a written description of the nature of these differences.
 - b. A summary of ownership and relationships of the insurer and all affiliated companies.
9. The financial statements included in the Audited Financial Report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the Annual Statement of the insurer filed with the Office.

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)

WHAT ARE THE FILING DEADLINES?

1. Designation of Independent C.P.A. (**Florida domestic companies only**) – must be filed by December 31.
2. The audited financial report should be filed with the Office on or before June 1 for the preceding year ending December 31.
3. Request to file on a consolidated basis must be filed by December 31, for the year the exemption is requested. The Office may accept and grant exemption applications after the end of such calendar year subject to the imposition of an administrative fine provided such application is received by the Office prior to March 1, immediately subsequent to the end of the calendar year for which such exception is being requested. (Refer to the consolidated or combine Audits Section of these instructions for further details.) [NOTE 'Y' CONTINUED ON NEXT PAGE...](#)

SEVEN YEAR ENGAGEMENT MAXIMUM:

A partner or other person responsible for rendering a report may not act in that capacity for more than seven (7) consecutive years. Following any period of service that person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates for a period of two (2) years. Please refer to Rule 690-137.002(7)(C), Florida Administrative Code for guidance regarding potential relief from this requirement.

DESIGNATION OF INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT (DOMESTIC COMPANIES ONLY--REFS)

Each Florida domiciled insurer required to file an annual audited financial report must, by December 31 of the year subject to audit, register with the Commissioner, Office of Insurance Regulation in writing the name and address of the independent certified public accountant or accounting firm (generally referred to as the "Accountant") retained to conduct the annual audit. In addition, the insurer shall obtain a letter from the accountant, and file a copy with the Commissioner stating the following:

- 1) the accountant is aware of the provisions of the Insurance Code and the Rules and Regulations of the Insurance Department of the state of domicile that relate to accounting and financial matters;
- 2) the accountant will express his/her opinion on the financial statements in terms of conformity to the statutory accounting practices prescribed or otherwise permitted by that Department; and
- 3) the accountant will specify exceptions as he/she may believe appropriate.

ACCOUNTANT'S LETTER OF QUALIFICATIONS, RULE 690-137.002, FLORIDA ADMINISTRATIVE CODE (DOMESTIC COMPANIES ONLY FILE THROUGH REFS)

The accountant shall furnish a Letter of Qualification (FILE THROUGH REFS) to the insurer for filing with the Audited Financial Report. The letter shall state:

1. That the accountant is independent with respect to the insurer and conforms to the standards of his or her profession.
2. The background and experience in general, and the experience in audits of insurers, of the staff assigned to the engagement and whether each is an independent Certified Public Accountant.
3. That the accountant understands the annual Audited Financial Report, and his/her opinion thereon will be filed in compliance with this rule, and that the Office will be relying on this information in the monitoring and regulation of the financial position of insurers.
4. That the accountant consents to the requirements of Rule 690-137.002(13), Florida Administrative Code - "Definition, Availability, and Maintenance of CPA Work Papers", and that the accountant consents and agrees to make the work papers available for review by the Office as defined in Rule 690-137.002(13), Florida Administrative Code.
5. A representation that the accountant is properly licensed by an appropriate state licensing authority.
6. A representation that the accountant is in compliance with the requirements of Rule 690-137.002(7), Florida Administrative Code - "Qualifications of Independent Certified Public Accountant".

REPORT OF SIGNIFICANT DEFICIENCIES IN INTERNAL CONTROLS (FILE THROUGH REFS. (1) FLORIDA DOMICILED OR COMMERCIALY DOMICILED COMPANIES ARE REQUIRED TO FILE A REPORT ON INTERNAL CONTROLS. (2) FOREIGN COMPANIES ARE REQUIRED TO FILE THE REPORT THROUGH ONLY IF THERE ARE SIGNIFICANT DEFICIENCIES/REPORTABLE CONDITIONS.

In addition to the annual audited financial report, each insurer shall furnish the Commissioner, Office of Insurance Regulation with a written report prepared by the accountant describing significant deficiencies in the insurer's internal control structure noted by the accountant during the audit. The insurer is required to provide a description of remedial actions taken or proposed to correct significant deficiencies, if said actions are not described in the accountant's report. The report on internal controls systems of the insurer shall be filed with the annual audited financial report. If there are no material deficiencies in Internal Controls a letter must be filed attesting to same. (See §624.424, Florida Statutes and 690-137.002 (11) Florida Administrative Code).

NOTIFICATION OF ADVERSE FINANCIAL CONDITION (FILE THROUGH REFS)

An insurer who has received a report from the independent certified public accountant that the insurer has materially misstated its financial condition as reported to the Commissioner, Office of Insurance Regulation as of the balance sheet date currently under examination or that the insurer does not meet the minimum capital and surplus requirements of Florida Statutes as of that date, shall forward a copy of the report to the Office within five (5) business days of receipt of such report and shall provide the independent certified public accountant making the report with evidence of the report being furnished to the Office. If the independent certified public accountant fails to receive such evidence within the required five (5) business day period, the independent certified public accountant shall furnish to the Office a copy of its report within the next five business days (Rule 690-137.002 (10), Florida Administrative Code).

NOTES AND INSTRUCTIONS (A-K APPLY TO ALL FILINGS)

If the accountant, subsequent to the date of the Audited Financial Report filed, becomes aware of facts which might have affected the report, the accountant shall report such facts to the Office and the insurer within ten calendar days of discovery.

WRITTEN NOTIFICATION OF CPA DISMISSAL/RESIGNATION--(FILE THROUGH REFS)

If an accountant who was the accountant for the immediately preceding filed Audited Financial Report is dismissed or resigns, the insurer shall within five (5) business days notify the Office of this event. The insurer shall also furnish the Office with a separate letter within ten (10) business days of the above notification stating whether in the twenty-four (24) months preceding that event there were:

1. any disagreements (resolved or otherwise) with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure; and
2. which disagreements, if not resolved to the satisfaction of the former accountant, would have caused him/her to make reference to the subject matter of the disagreement in connection with his/her opinion.

Disagreements contemplated herein are those that occur at the decision-making level. The insurer shall also request, in writing, that the former accountant furnish a letter addressed to the insurer stating whether the accountant agrees with the statements contained in the insurers' letter, and if not, stating the reasons for which he/she does not agree. The insurer shall provide both of these letters to the Office (Rule 690-137.002 (6)(c)(d), Florida Administrative Code).

CONSOLIDATED OR COMBINED AUDITED FINANCIAL STATEMENTS (FILE THROUGH REFS) - An insurer may make written application to the Commissioner, Office of Insurance Regulation for approval to file audited consolidated or combined financial statements in lieu of separate annual audited financial statements if the insurer is part of a group of insurance companies which utilizes a pooling or one hundred percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and such insurer cedes all of its direct and assumed business to the pool. In such cases, a columnar consolidating or combining worksheet shall be filed with the report, as follows:

- A. Amounts shown on the consolidated or combined Audited Financial report shall be shown on the worksheet.
- B. Amounts for each insurer subject to this section shall be stated separately.
- C. Non-insurance operations may be shown on the worksheet on a combined or individual basis.
- D. Explanations of consolidating and eliminating entries shall be included.
- E. A reconciliation shall be included of any differences between the amounts shown in the individual insurer columns of the worksheet and comparable amounts shown on the Annual Statements of the insurers.
- F. Application for approval to consolidate is required each year. Application to file on a consolidated or combined audit basis must be received by December 31 for the year the exemption is requested. Applications received after the end of the calendar year but prior to March 1 may be considered but subject to an administrative fine for late filing.

A COMPLETE REPORT (INCLUDING A-E) MUST BE FILED FOR EACH INSURER IN THE GROUP OPERATING IN THE STATE OF FLORIDA.

These comments are intended as an aid to you in completing your filing requirements. Reference and review of §624.424, Florida Statutes and Rule 690-137.002, Florida Administrative Code, should be made for the full requirements.

Z

Risk Based Capital:

All Florida domestic insurers are required to file the Risk Based Capital Report through REFS. Foreign and alien insurers are not required to file the report with Florida. Please include the DTA Life RBC Charge if applicable (refer to the website: http://www.naic.org/documents/committees_e_capad_exposure_dta_life_rbc_charge.pdf)

AA

Certificate of Authority Annual License Tax, §624.501 (3), Florida Statutes:

The certificate of authority annual license tax (also referred to as a certificate of authority renewal fee) must be sent to the following address:

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
RECEIPTS ACCOUNTING SECTION
P. O. BOX 6100
TALLAHASSEE, FL 32314-6100

Each insurer is responsible for renewal of its certificate of authority. If the insurer does not receive an invoice by April 15, call (850) 413-2143 to request an invoice. Failure to pay the fee on time could result in revocation of the insurer's certificate of authority or a fine.

MEMORANDUM

TO: All Florida Domestic Life and Health Insurance Companies
FROM: Kerry Krantz, Valuation Actuary
DATE: December 31, 2009
SUBJECT: Certificate Of Valuation - Florida Domestic Companies

Each life insurance company domiciled in this state shall annually submit the material described below so that a review of its life insurance and annuity reserves may be performed and a Certificate of Valuation issued.

Each submission should be accompanied by the following:

1. A transmittal letter indicating the number of certificates required, along with a check for the certification fee of \$5.00 per copy, payable to the "Florida Department of Financial Services", with a notation indicating "Fee for Certificates of Valuation".
2. A completed Summary Exhibit.
3. An indication as to whether or not workpapers should be returned. (If you request that we return the workpapers, please provide an account number for the courier of your choice, i.e., FedEx, UPS, etc.).
4. Designation of a contact person who will be available to answer technical questions regarding the filing.

The following specific items in support of the company's life insurance and annuity reserves should accompany each filing.

1. Complete detailed reserve valuation listings showing the calculation of reserves for each plan/age/year of issue group (or seriatim) on hard copy or in an electronic format acceptable to the Office of Insurance Regulation (microfiche is not acceptable). For information on transmitting your data in an electronic format, my telephone number is (850) 413-5038. This information must be provided for all lines of business included in Exhibit 5A-Life Insurance and Exhibit 5B-Annuities. At the company's option, other parts of Exhibit 5 may be included in the Certificate of Valuation as long as adequate documentation is submitted.
2. A key or detailed list of all plan codes included in the reserve listing showing plan code, plan name, mortality and interest bases, and reserve method, in sufficient detail such that reserve factors can be reproduced. The plan name must be specific as to premium and benefit characteristics; if the plan has modified premiums or benefits, the modifications must be specifically described. Likewise, any reserve methods which are special modifications of the usual methods must be explained. Mortality basis descriptions should specify whether the values are Age Near Birthday or Age Last Birthday.
3. For interest-sensitive life products, credit life, single premium deferred annuities, and flexible premium deferred annuities, a general description of the reserve calculation methodology along with (1) specific examples of the reserve calculation for individual policies and contracts, and (2) copies of the pages from which totals were taken for each plan or valuation category. A roll-forward of account balances

from December 31, 2008 to December 31, 2009. The report will include all relevant transactions during the year that affect the fund balances including premiums, interest, surrenders, loans, expense charges and fees, mortality charges (COI), and funds released by death. Separate reports will be required for each major segment. A Certificate of Valuation will not be issued unless the required roll forward report is submitted.

4. Reconciliation of totals by plan or grouping as shown on the detailed listing to the supporting workpapers and ultimately to the final Exhibit 5 figures. **The Office of Insurance Regulation will not accept the valuation performed by the company unless the LIFE INSURANCE and ANNUITIES sections of exhibit 5 and the reconciliation follow the column 1 instructions on pages 98 and 99 of the 2009 NAIC Quarterly and Annual Statement Instructions.**
5. An explanation of the method used to determine reinsurance credit, if applicable. Companies should provide the requested information to the Office on or before May 31, 2010, or request an extension on or before March 31, 2010.
6. A reconciliation of the insurance in force shown in the valuation listing with corresponding figures in the Exhibit of Life Insurance.
7. Companies with Variable Annuities with Guaranteed Living Benefits should describe compliance with NAIC Actuarial Guideline 43.

KERRY KRANTZ
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