



OFFICE OF INSURANCE REGULATION

KEVIN MCCARTY  
COMMISSIONER

**FILED**

APR 29 2016

OFFICE OF  
INSURANCE REGULATION  
Docketed by: 23

IN THE MATTER OF:

CASE NO.: 190321-16-CO

SOUTHERN OAK INSURANCE COMPANY  
\_\_\_\_\_ /

CONSENT ORDER

THIS CAUSE came on for consideration as a result of SOUTHERN OAK INSURANCE COMPANY's (hereinafter "SOUTHERN OAK") proposal to remove selected personal residential policies from CITIZENS PROPERTY INSURANCE CORPORATION (hereinafter "CITIZENS"), which was submitted to the OFFICE OF INSURANCE REGULATION (hereinafter "OFFICE") for its review on or about April 1, 2016. After a complete review of the entire record and upon consideration thereof, and otherwise being fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and of the parties herein.
2. CITIZENS has been established in accordance with the provisions of Section 627.351(6), Florida Statutes, as amended, to provide insurance for residential and commercial property qualified risks under circumstances specified in the statute.
3. The Florida Legislature has enacted Section 627.351(6)(q)3.a., Florida Statutes, to encourage and provide a means for the depopulation of CITIZENS. CITIZENS submitted a plan of depopulation, which the OFFICE adopted in Order No. 125161-12, providing the terms and conditions that serve as the basis for this Consent Order. SOUTHERN OAK shall abide by the

terms and conditions of the CITIZENS depopulation plan as a condition of issuance of this Consent Order.

4. SOUTHERN OAK is a Florida domiciled property and casualty insurance company authorized to transact insurance in the state of Florida.

5. On or about April 1, 2016, SOUTHERN OAK submitted a proposal to remove selected personal residential policies from CITIZENS. The proposal provides for an assumption to occur on or about July 19, 2016, of up to fifteen thousand (15,000) multi-peril and mobile home policies, consisting of nine thousand five hundred (9,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' personal lines account, along with four thousand five hundred (4,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' coastal account.

6. SOUTHERN OAK understands that the selected policies to be removed from CITIZENS on July 19, 2016, or at a later date approved by the OFFICE and CITIZENS will not be subject to any incentive or bonus plan, whether statutory or otherwise.

7. SOUTHERN OAK shall enter into appropriate agreements with CITIZENS to provide the following:

a. SOUTHERN OAK, at its own expense, shall give at least thirty (30) days' advance written notice to affected policyholders informing them of the need to contact SOUTHERN OAK before the removal date if they desire to stay with CITIZENS. The notice shall include the estimated CITIZENS renewal premium and the estimated SOUTHERN OAK policy premium.

b. SOUTHERN OAK shall accumulate any objections and shall facilitate the return of any policyholder who desires to remain insured by CITIZENS if that policyholder

executes an opt-out within the thirty (30) day notice period prior to the removal of the policy or within thirty (30) days after the date of the policy removal. Policyholders shall not be required to make additional payments or take any action other than to express the desire to remain with CITIZENS in writing or by electronic mail no later than thirty (30) days following the date of their policy removal.

c. All communications with agents and policyholders regarding any policies to be removed from CITIZENS must be approved by CITIZENS and the OFFICE. SOUTHERN OAK agrees that once the policyholder notice required by paragraph 7a. above has been provided to affected policyholders, SOUTHERN OAK will honor the offer of coverage unless the policyholder opts out or the OFFICE approves termination of the offer for good cause shown.

8. SOUTHERN OAK must timely provide to CITIZENS all information required by the 2016 Assumption Calendar published by CITIZENS. SOUTHERN OAK acknowledges that neither approval by CITIZENS nor entry into this Consent Order by the OFFICE constitutes a guarantee that the above-referenced policies will ultimately be available to SOUTHERN OAK for removal from CITIZENS, as the availability of policies for removal may vary over time.

9. SOUTHERN OAK shall limit its actual removal of policies from CITIZENS to the number and type of policies authorized by the OFFICE in this Consent Order. The OFFICE will base its review on SOUTHERN OAK's reinsurance program, catastrophe modeling, and financial statement projections, as well as the impact on policyholders. Such reinsurance program, catastrophe modeling, and financial statement profiles shall be based upon SOUTHERN OAK's current in-force book of property policies, SOUTHERN OAK's projected voluntary market writings, and the actual number of policies available in CITIZENS prior to the anticipated



assumption date identified by SOUTHERN OAK as satisfying its filed and approved underwriting guidelines.

10. SOUTHERN OAK has submitted the proposed reinsurance documentation and financial projections for assumption of up to fifteen thousand (15,000) multi-peril and mobile home policies, consisting of nine thousand five hundred (9,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' personal lines account, along with four thousand five hundred (4,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' coastal account, expected to be assumed on or about July 19, 2016, or on subsequent dates approved by the OFFICE and CITIZENS. Each additional assumption of CITIZENS policies by SOUTHERN OAK shall be subject to advance written approval by the OFFICE.

11. SOUTHERN OAK's acquisition of adequate reinsurance and maintenance of executed reinsurance agreements are material to the OFFICE's review and analysis of SOUTHERN OAK's proposal to remove selected policies from CITIZENS and to the OFFICE's approval of the proposal.

12. SOUTHERN OAK expressly waives its right to any hearing in this matter, the making of findings of fact and conclusions of law by the OFFICE, and all other and further proceedings herein to which it may be entitled by law or by rules of the OFFICE. SOUTHERN OAK agrees not to appeal or otherwise contest this Consent Order in any forum now or in the future available to it, including its right to any administrative proceeding, circuit or federal court action, or any appeal.

13. SOUTHERN OAK represents that all explanations and documents made or submitted to the OFFICE as part of its proposal to remove selected policies from CITIZENS, including all attachments and supplements thereto, fully describe all transactions, agreements, and

understandings relating to the removal of policies from CITIZENS by SOUTHERN OAK. However, all draft documents and non-executed agreements relating to SOUTHERN OAK's plan shall not be deemed approved by this Consent Order until such time as executed agreements or final documents are submitted to and approved by the OFFICE.

14. The parties agree this Consent Order will be deemed executed when the OFFICE has signed a copy of this Consent Order bearing the signature of SOUTHERN OAK, or its authorized representative, notwithstanding the fact the copy was transmitted to the OFFICE electronically. SOUTHERN OAK agrees the signature of its representative as affixed to this Consent Order shall be under seal of a Notary Public.

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

IT IS THEREFORE ORDERED that:

(A) Upon consideration of the proposal to remove selected policies from CITIZENS, including its attachments, the OFFICE approves the proposal to remove selected policies from CITIZENS, subject to adherence to the terms and conditions of this Consent Order by SOUTHERN OAK.

(B) The OFFICE approves the assumption of up to fifteen thousand (15,000) multi-peril and mobile home policies, consisting of nine thousand five hundred (9,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' personal lines account, along with four thousand five hundred (4,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' coastal account, expected to be assumed on or about July 19, 2016, in accordance with the proposal to remove selected policies from CITIZENS, any agreement(s) between SOUTHERN OAK and CITIZENS, and this Consent Order.

(C) Regarding all reinsurance matters, SOUTHERN OAK shall:

(i) Maintain catastrophe reinsurance at such levels that are acceptable to the OFFICE but in no event less than that evidenced to the OFFICE in the proposal to remove selected policies from CITIZENS;

(ii) Notify the OFFICE of any termination of any of its reinsurance agreements. The notification shall be made to the OFFICE in writing sixty (60) days prior to the effective date of any such termination; and

(iii) Comply with the requirements of Section 624.610, Florida Statutes, with regard to all of its reinsurance arrangements.

(D) SOUTHERN OAK shall participate annually in any examination of the SOUTHERN OAK's reinsurance program as requested by the OFFICE. Based upon the OFFICE's review of the models and plans, SOUTHERN OAK may be required at the OFFICE's sole discretion to take corrective action to cure any overexposure identified by the OFFICE. Such action may include obtaining additional amounts of reinsurance coverage as directed by the OFFICE or suspending writing of any additional business, including the CITIZENS policies.

(E) Upon the expiration of the assumed CITIZENS policies, SOUTHERN OAK shall provide coverage substantially equivalent to that afforded by CITIZENS at approved rates, unless such policies are cancelled or nonrenewed by SOUTHERN OAK for a lawful reason.

(F) At the time SOUTHERN OAK removes any policy of insurance from CITIZENS, SOUTHERN OAK shall either obtain a new policy application from each affected policyholder or maintain in its files a copy of the policyholder's application on file with CITIZENS. If SOUTHERN OAK chooses the former option, SOUTHERN OAK may not initiate any retroactive increase in rates or premium or any retroactive decrease in coverage provided under the assumed

CITIZENS policy (if applicable) as a result of the information obtained from or through the new policy application.

(G) For a period of three (3) years immediately following the date of entry of this Consent Order, SOUTHERN OAK shall abide by the proposal to remove selected policies from CITIZENS in all material respects. Further, SOUTHERN OAK shall abide by all terms of this Consent Order and all provisions of any agreement(s) entered into with CITIZENS.

(H) Regarding required documentation to be maintained by SOUTHERN OAK relating to policies removed from CITIZENS:

(i) SOUTHERN OAK is required to track all agents, as well as the related policy information, that have declined to participate in the takeout process. This information shall be submitted to CITIZENS by the deadline published in the 2016 Citizens Assumption Calendar. CITIZENS will then mail out notices informing the policyholders of the agent's declination. This will allow the affected policyholders the opportunity to address the declination with their agent and possibly receive their agent's approval in time to be included in the current takeout. At no time shall SOUTHERN OAK contact a potential policyholder without the agent's appointment.

(ii) SOUTHERN OAK is required to track all agents, as well as the related policy information, who after discussing with the policyholder, decide to participate in the takeout process and submit this information to CITIZENS by the deadline published in the 2016 Citizens Assumption Calendar.

(iii) SOUTHERN OAK is required to keep a record of all agents who decline participation along with an explanation for the declination.



(iv) When contacting an agent regarding a potential takeout policy, SOUTHERN OAK is required to provide each agent with the policy form to be used, appointment contract, and a copy of SOUTHERN OAK's most current available financial statement.

(I) SOUTHERN OAK is required to comply with the following requirements when soliciting an agent's permission to participate in the assumption process:

(i) SOUTHERN OAK must utilize email and at least one other method for contact, such as via facsimile or United States Postal Service.

(ii) SOUTHERN OAK must send out a direct solicitation to the agent of record and copy the agency principal.

(iii) SOUTHERN OAK must provide all agents a minimum of fourteen (14) days to review the solicitation. This will allow agents adequate time to research the company and make an informed decision.

(iv) SOUTHERN OAK must provide a copy of the appointment contract. SOUTHERN OAK may opt to provide the agent a link to its website containing the required information.

(v) SOUTHERN OAK must provide a copy of the policy form. SOUTHERN OAK may opt to provide the agent a link to its website containing the required information.

(vi) SOUTHERN OAK must provide a chart identifying any differences in coverage from CITIZENS, which will help both the agent and the policyholder in making an informed decision.

(vii) SOUTHERN OAK must provide a list of policies specific to the agent that it would like to assume.



(viii) SOUTHERN OAK must provide a contact number of qualified staff to answer the agent's questions.

(ix) SOUTHERN OAK must provide an overview of its strategy for handling catastrophe and non-catastrophe claims.


(J) Should the OFFICE determine SOUTHERN OAK has failed to materially comply with terms of this Consent Order, the proposal to remove selected policies from CITIZENS, including its attachments and amendments thereto as submitted to the OFFICE, or terms of any agreement(s) with CITIZENS, SOUTHERN OAK shall, upon receipt of notice of such material non-compliance, have sixty (60) days to cure its material non-compliance. In the event SOUTHERN OAK fails to cure any such material non-compliance within the sixty (60) day period, SOUTHERN OAK expressly agrees the OFFICE may enter an order directing it to immediately cease writing personal residential or other lines of insurance within the state of Florida, imposing such other sanctions authorized by statute or rule, or imposing other restrictions as may be deemed appropriate by the OFFICE.

WHEREFORE, the proposal to remove up to fifteen thousand (15,000) multi-peril and mobile home policies, consisting of nine thousand five hundred (9,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' personal lines account, along with four thousand five hundred (4,500) multi-peril and five hundred (500) mobile home policies from CITIZENS' coastal account, for the initial assumption starting on or about July 19, 2016, subject to the terms and conditions of this Consent Order, is hereby APPROVED.

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

DONE and ORDERED this 29<sup>th</sup> day of April, 2016.



  
Kevin M. McCarty, Commissioner  
Office of Insurance Regulation

By execution hereof, SOUTHERN OAK INSURANCE COMPANY 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 therein. The undersigned represents that he has the authority to bind SOUTHERN OAK INSURANCE COMPANY to the terms and conditions of this Consent Order.

SOUTHERN OAK INSURANCE COMPANY

[Corporate Seal]

Tony Loughman  
Tony Loughman, President

STATE OF Florida

COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 28 day of April 2016,

by Tony Loughman as President  
(name of person) (type of authority; e.g., officer, trustee, attorney in fact)

for Southern Oak Insurance Company  
(company name)

[Notary Seal]

M. L. KUTZER  
(Signature of the Notary) M. L. KUTZER  
Notary Public, State of Florida  
My Comm. Expires Aug 09, 2019  
Commission No. FF 899372  
(Print, Type, or Stamp Commissioned Name of Notary)

Personally Known / OR Produced Identification         

Type of Identification Produced         

My Commission Expires: Aug 09, 2019

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