

MARKET BULLETIN

From	Director, Worldwide Markets (extn 6677)
Date	27 October 2005
Reference	Y3652
Subject	Florida: Hurricane Wilma. Emergency Order issued by the Florida Office of Insurance Regulation
Subject areas	The Emergency Order applies to Florida personal residential or commercial residential property insurance policies in specified counties covering property damaged by Hurricane Wilma.
Attachments	Florida Office of Insurance Regulation Emergency Order 83768-05-EO
Action points	Managing agents and Lloyd's brokers to note and comply with the provisions of the Emergency Order
Deadlines	These requirements apply immediately

Purpose of bulletin

The purpose of this bulletin is to inform the market of the provisions of the Florida Office of Insurance Regulation Emergency Order 83768-05-EO which is now in force. The Emergency Order prohibits the cancellation or non-renewal of a personal residential or commercial residential property insurance policy in specified circumstances.

The Emergency Order

[The Insurance Bulletin can be found via this link.](#) The Order (Emergency Order 83768-05-EO) was issued by the Florida Commissioner of the Office of Insurance Regulation on 25 October, 2005. A copy is attached.

The Order states that:

“An insurer may not cancel or non-renew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Lee,

Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Polk, St. Lucie and Sarasota Counties which has been damaged as the result of hurricane or wind loss resulting from Hurricane Wilma, for a period of 90 days after the dwelling has been repaired, except as provided in Section 627.4133(2)(d), Florida Statutes, and in accordance with all other applicable statutes and rules of the commission.”

Managing agents should ensure that they, and the coverholders acting on their behalf, comply with this requirement.

Further information

If you have any queries about this market bulletin, please contact Lloyd's Worldwide Market Services:

Lloyd's Worldwide Market Services
Tel: 020 7327 6677
Email: market.services@lloyds.com
Box 190b, Gallery 1

This market bulletin has been sent to active underwriters and to the compliance officers of managing agents and Lloyd's brokers.

Julian James
Director,
Worldwide Markets



FILED

OCT 25 2005

OFFICE OF INSURANCE REGULATION

**OFFICE OF
INSURANCE REGULATION**

Docketed by: KT

KEVIN M. McCARTY
COMMISSIONER

IN THE MATTER OF:

**Hurricane Wilma;
Emergency Order; Prohibition on Cancellation
or Nonrenewal of Residential Property
Insurance Covering Property Damaged
by Hurricane Wilma in Specified Counties**

CASE NO.: 83768-05-EO

EMERGENCY ORDER

TO: All Property and Casualty Insurers and Surplus Lines Insurers

THIS CAUSE having come before the Commissioner of the Office of Insurance Regulation as a result of the State of Emergency created by Hurricane Wilma, and being fully informed in the premises,

NOW THEREFORE, the Commissioner hereby **FINDS** as follows:

JURISDICTION AND FINDINGS OF FACT

1. The Office of Insurance Regulation (the "Office") has the duty, pursuant to Section 624.307(2), Florida Statutes, to enforce the provisions of the Insurance Code (Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, henceforth, the "Code"). The Office shall have the powers and authority expressly conferred upon it by, or reasonably implied from, the provisions of the Code, specifically Section 624.307(2), Florida Statutes, and as further authorized by Section 252.46, Florida Statutes.

2. Section 120.569(2)(n), Florida Statutes, provides that “if an agency head finds that an immediate danger to the public health, safety or welfare requires an immediate final order, it shall recite with particularity the facts underlying such finding in the final order...”

3. This Emergency Order is being issued pursuant to Section 627.4133(2)(d), Florida Statutes, which authorizes the Commissioner of Insurance Regulation to issue an Order invoking the provisions of this subsection upon the declaration of an emergency pursuant to Section 252.36, Florida Statutes.

4. On October 19, 2005, Florida Governor Jeb Bush, issued Executive Order 2005-219, declaring a state of emergency and activated the State Comprehensive Emergency Management Plan. Executive Order 2005-219 is attached as **Exhibit 1**.

5. As a result of Hurricane Wilma, Florida Governor, Jeb Bush, declared a state of emergency and requested, by letter dated October 23, 2005, that the President of the United States, George W. Bush, declare an Expedited Major Declaration for the entire State of Florida and requested individual assistance for Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Polk, St. Lucie and Sarasota Counties. Governor Bush’s letter dated October 23, 2005 is attached as **Exhibit 2**.

6. Due to the severe and continuing impacts of the 2004 Hurricane Season, there continues to be a lack of availability of contractors to expeditiously repair damaged properties.

7. The head of the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) announced on October 24, 2005, that President Bush has ordered the release of federal disaster funds and emergency resources for Florida to aid people battered by Hurricane Wilma. Acting Director of the Federal Emergency Management Agency (FEMA), David Paulison, said the President took the action under a major disaster declaration issued this afternoon immediately after receiving FEMA's analysis of the state's expedited request for federal assistance. The declaration covers damage to private property from the hurricane beginning on October 23, 2005. FEMA's Release is attached as **Exhibit 3**.

8. The issuance of this Emergency Order and the procedural safeguards set forth herein are fair under the circumstances due to the state of emergency that exists. As indicated in the Notice of Rights herein, Respondents are afforded an opportunity for a review of this Order.

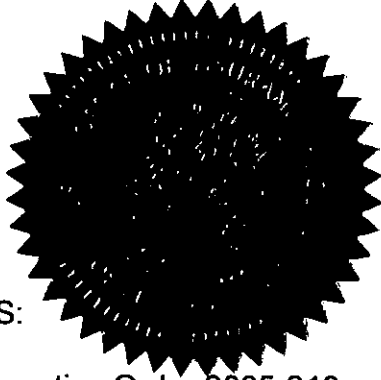
WHEREFORE, the Commissioner of the Office of Insurance Regulation finds that as a result of the direct effects of the impact of Hurricane Wilma the issuance of an Order implementing the provisions of Section 627.4133(2)(d), Florida Statutes, is required in order to protect the public health, safety and welfare.

Accordingly, IT IS HEREBY ORDERED:

An insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Polk, St. Lucie and Sarasota Counties which has been damaged as the result of hurricane or wind

loss resulting from Hurricane Wilma, for a period of 90 days after the dwelling has been repaired, except as provided in Section 627.4133(2)(d), Florida Statutes, and in accordance with all other applicable statutes and rules of the commission.

DONE and ORDERED this 25th day of October, 2005.





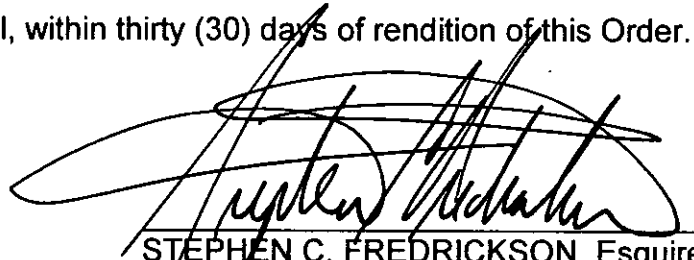
Kevin M. McCarty
Commissioner
Office of Insurance Regulation

EXHIBITS:

1. Executive Order 2005-219.
2. Governor Jeb Bush's letter to President George W. Bush, dated October 23, 2005.
3. FEMA Release relating to Hurricane Wilma.

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, *Fla.R.App.P.* Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.



STEPHEN C. FREDRICKSON, Esquire
FBN: 0350478
Office of Insurance Regulation
Legal Services
200 East Gaines Street, 6th Floor
Tallahassee, Florida 32399-4206
Telephone: 850-413-4144
Facsimile: 850-922-2543

Copies Furnished:

All Property and Casualty Insurers
and Surplus Lines Insurers