

**FLORIDA MARKET ASSISTANCE PLAN  
AMENDED PLAN OF OPERATION**

**SECTION 1  
NAME**

The organization shall be known as the Florida Market Assistance Plan, hereafter referred to as "FMAP." FMAP is an entity created by the Florida Legislature pursuant to Section 627.3515, Florida Statutes.

**SECTION 2  
EFFECTIVE DATE AND AMENDMENTS**

- A. Once effective, this Amended Plan of Operation (hereinafter "Plan") will replace and supersede all previously adopted Articles or plans of operation.
- B. This Plan will only be effective upon approval by order of the Office.
- C. This Plan may be subsequently amended by a majority vote of the Board. However, any such amendment so approved shall become effective only upon approval and order of the Office.

**SECTION 3  
DEFINITIONS**

As used hereinafter throughout this Plan, the following definitions apply:

- A. **Annual Report** means a report, prepared each year, containing information with respect to FMAP's transactions, condition, operations and affairs during the preceding calendar year. The Annual Report may also contain such other matters and information as are prescribed by and in such form as is requested by the Office.
- B. **Board** means the FMAP Board of Governors.
- C. **Board Member(s)** means a member (or members) of the FMAP Board of Governors.
- D. **Chair** means the chairperson of the FMAP Board of Governors, and shall be the same person as the chairperson of the Citizens Board of Governors.
- E. **Citizens** means Citizens Property Insurance Corporation.
- F. **FMAP Service Programs** refers to the various mechanisms by which FMAP carries out its statutory objectives.

G. **Office** means the Florida Office of Insurance Regulation.

H. **Participating Insurer** means any property and casualty insurer licensed in the State of Florida.

I. **Service Level Agreement** refers to an agreement between FMAP and Citizens through which the day to day operations and functions of FMAP will be carried out.

J. **Vice Chair** shall be the same person as the Vice Chair of the Citizens Board of Governors.

#### **SECTION 4 PURPOSES**

A. Per Section 627.3515(1), Florida Statutes, FMAP is created to assist in the placement of risks of applicants who are unable to procure property insurance as defined in Section 624.604, Florida Statutes or casualty insurance as defined in Section 624.605(1)(b), (e), (f), (g), or (h), Florida Statutes, from authorized insurers when such insurance is otherwise generally available from insurers authorized to transact and actually writing that kind and class of insurance in this state.

B. Additionally, through such measures as are found appropriate by the Board, FMAP shall take affirmative steps to assist in the removal from Citizens any risk that can be placed in the voluntary market.

C. All property and casualty insurers licensed in Florida shall participate in FMAP.

D. FMAP shall not assist in the placement of any workers' compensation, employer's liability, malpractice or motor vehicle insurance coverage.

#### **SECTION 5 POWERS**

A. FMAP shall have the power and authority to take any and all legal action necessary to carry out FMAP's purposes as set out in Section 4.

B. FMAP shall design, develop, document, implement, and amend, as reasonably necessary, FMAP Service Programs. The FMAP Service Programs shall be designed and developed in accordance with applicable laws to carry out the purposes listed in Section 4, and include, but are not necessarily limited to, programs by which consumers seeking coverage may be matched with and receive quotes from Participating Insurers writing the kind and class of insurance being sought by the consumer and the licensed insurance agents of such Participating Insurers.

C. FMAP Service Programs shall be available to all Participating Insurers and may be accessible by their licensed insurance agents, provided:

1. To the extent deemed necessary to carry out its purposes, FMAP may impose reasonable rules and restrictions on insurance agents' use of FMAP Service Programs.
2. FMAP may suspend or terminate an insurance agent's access to such programs if:
  - a. The agent violates any of the rules and restrictions created as per Section 5.C.1. of this Plan (above);
  - b. FMAP determines that it is necessary to terminate such access in order to carry out FMAP's purposes; or
  - c. Allowed or required under federal or Florida law.
3. Before accessing FMAP's Service Programs, Participating Insurers or their licensed insurance agents shall enter into agreements regarding the terms of use thereof.

D. FMAP is not an insurer capable of assuming risks or otherwise transacting insurance. FMAP has no power to guarantee successful conclusion of every assistance effort and it is assumed that some risks may not be eligible for coverage.

E. FMAP shall operate in conformity with all other applicable laws of the State of Florida.

F. To carry out its statutory objectives, FMAP shall have the power to receive and maintain a fund or funds, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any assets thereof exclusively for the active conduct of operating and administering FMAP, pursuant to Section 627.3515, Florida Statutes, and as that Section may be amended from time to time, and for such other purposes as may be incidental thereto.

G. Notwithstanding any other provisions of this Plan, FMAP shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(6) of the Internal Revenue Code of 1986, as amended, or any statute of similar import, or the regulations issued thereunder.

H. Upon the dissolution of FMAP or the winding up of its affairs, the assets of FMAP shall be distributed exclusively to the State of Florida general fund, and no trustee, officer, director, employee, Board Member, insurance agent, insurer, or private individual shall be entitled to share in the distribution of any of FMAP's assets.

**SECTION 6**  
**BOARD OF GOVERNORS**

A. The affairs and business of FMAP shall be directed and controlled by the Board, with Board Members appointed pursuant to §627.351(6)(c)4 and 627.3515(2)(a), Florida Statutes.

B. Each person serving as a member of Citizens' Board of Governors shall also serve as a Board Member.

C. The term for each Board Member shall coincide with his or her term as a member of Citizens' Board of Governors.

D. The Chair shall preside at and call all meetings of the Board, upon reasonable notice to all Board Members. However, a meeting of the Board shall also be noticed and held within fourteen (14) days after receipt of written requests delivered to the Chair by any three (3) members of the Board. Except for emergency meetings, at least seven days' notice will be given for public meetings, hearings, and workshops in the Administrative Register and on Citizens' website.

E. The Vice Chair shall serve in place of the Chair when the Chair is unavailable to serve.

F. At any meeting of the Board, each Board Member shall have one (1) vote.

G. Six (6) Board Members shall constitute a quorum for the transaction of business, and the acts of a majority of the Board members present at a meeting at which a quorum is present shall be the acts of the Board.

H. Voting by proxy shall not be permitted at any Board meeting.

I. The Board may conduct Board meetings by telephonic conference call.

J. Board Members and Committee Members may receive reimbursement from FMAP for their actual and necessary expenses incurred in attending Board meetings and in performing FMAP business, in accordance with Citizens' Travel and Reimbursement Policy.

K. The Board shall meet as often as may be required to perform the general duties of administration of FMAP, but not less frequently than annually.

L. The Board shall have the power on behalf of FMAP to:

- 1) Take such actions as are deemed necessary to fulfill the statutory purposes of FMAP.

- 2) Assure that necessary funds are obtained through assessments of residential property insurers and additional payments by Citizens as provided by Section 627.3515(2)(b), Florida Statutes, for operation of FMAP.
- 3) Review, consider and act on any matters deemed by it to be necessary and proper for the administration of FMAP.
- 4) Cause the books of accounts of FMAP to be audited at least every 12 months by a firm of independent certified public accountants designated by the Board.
- 5) Approve the Annual Report as set forth in this Plan.
- 6) Approve the budget of FMAP.
- 7) Approve a Service Level Agreement, and any amendment thereto, between FMAP and Citizens.

M. The Chair shall appoint any committees as needed and only members of the Board shall chair such committees.

## **SECTION 7 CITIZENS SERVICE LEVEL AGREEMENT**

A. FMAP's operations will be housed wholly within and carried out by Citizens subject to a Service Level Agreement approved by the Board, whereby the two entities coordinate their efforts and resources in furtherance of FMAP's statutory purposes as set out in Section 4. Such a Service Level Agreement may provide, without limitation, for Citizens to share, provide, or retain for FMAP's benefit:

- 1) Collection of assessments from residential property insurers.
- 2) Maintenance of FMAP's bank account(s).
- 3) Maintenance of FMAP's general ledger.
- 4) Maintenance of FMAP's webpage and FMAP's internet-based services.
- 5) Preparation and negotiation of contracts on behalf of FMAP and for FMAP's benefit.
- 6) Preparation of FMAP's annual report.
- 7) Preparation of FMAP's financial statements.

- 8) Strategic planning and recommendations to FMAP's Board of Governors in order to carry out the purposes of FMAP.
- 9) To the extent no conflict exists between FMAP and Citizens, provision of legal services to FMAP.
- 10) Other items or services as determined to be necessary for FMAP.

B. Section 627.3515(3)(a), Florida Statutes, requires Citizens and FMAP to develop a business plan for the implementation of an electronic database for confirming eligibility pursuant to Section 627.351(6), Florida Statutes. Citizens' policyholder eligibility clearinghouse, created pursuant to Section 627.3518, Florida Statutes, carries out this statutory function.

## **SECTION 8 RECORDS AND REPORTS**

A. After being approved by the Board, the Annual Report shall be filed with the Office on or before July 1 of each year. The Office may, at any time, require FMAP to furnish additional information on either a recurring or non-recurring basis with respect to its transactions, conditions or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation and experience of the FMAP.

B. The books of accounts, records, reports and other documents of FMAP shall be open and free for examination to the Office at all reasonable times.

C. The books of account, records, reports and other documents of FMAP are subject to the provisions of Chapter 119, Florida Statutes. To the extent such records are confidential and exempt from public disclosure pursuant to Section 627.351(6)(x), or pursuant to the confidentiality provisions of state and federal privacy laws and regulations, such records will be treated as confidential.

D. The books of accounts of FMAP shall be audited at least every 12 months by a firm of independent certified public accountants designated by the Board. The auditor may be the same firm utilized by Citizens to perform an audit.

## **SECTION 9 ASSESSMENTS AND FUNDING**

A. FMAP shall be funded through payments from Citizens and an annual assessment of all residential property insurers in the amount of \$450, or as otherwise provided by law.

B. FMAP shall establish and maintain an account or accounts for the deposit of FMAP's funds and the payment of FMAP's obligations.

**SECTION 10**  
**POLICY CHANGES, ENDORSEMENTS, RENEWALS**

A. FMAP shall have no involvement in the continuing insured/agent/insurer relationships which are created in the normal course of the insurance market. Any questions, disputes or negotiations concerning subjects such as renewal ownership, commissions, claims servicing, policy servicing and other such subjects shall be handled by the parties involved in accordance with the applicable laws of the State of Florida and the commonly accepted business practices of the participating markets.