

# Executive Summary

**Exposure Reduction Committee Meeting, July 9, 2024**

Board of Governors Meeting, July 10, 2024

## Changes to Citizens' Depopulation Plan

### Topic

This Consent Item requests Board approval to file changes to Citizens' existing Depopulation Plan with the Florida Office of Insurance Regulation ("OIR"), to conform to statutory changes following the enactment of Committee Substitute for House Bill 1503, effective July 1, 2024.

### History

Pursuant to Section 627.351(6)(q)3., Florida Statutes, Citizens has adopted the Citizens Property Insurance Corporation Personal Residential and Commercial Lines Non-Bonus Depopulation Plan (the "Depopulation Plan"), a depopulation program. Any changes to such program are subject to the approval of the OIR. The Depopulation Plan was last approved by the OIR on December 2, 2016, with an effective date of January 1, 2017.

On December 6, 2023, this Board approved proposed changes to the Depopulation Plan to address changes to the eligibility requirements to remain a Citizens policyholder upon receipt of a take-out offer from a private market carrier, as part of SB 2A, which was signed into law in December 2022.

The approved Depopulation Plan was forwarded to the OIR for review and approval. Due to bills pending before the 2024 Florida Legislature related to the depopulation program, the OIR requested to wait until the end of session to determine whether further updates to the Depopulation Plan would be required.

As part of CS/CS/HB 1503, which was signed into law in May 2024, an approved surplus lines insurer is eligible to participate in Citizens' depopulation program beginning July 1, 2024. Specifically, an approved surplus lines insurer may offer coverage on any personal lines residential risk so long as that risk is not a primary residence nor a residence which maintains a homestead exemption under chapter 196, Florida Statutes, at the time of Assumption.

As a result, the Depopulation Plan needs to be updated to reflect this change.

### Recommendation

The recommendation is stated in the attached Consent Item.

## Changes to Citizens' Depopulation Plan Consent Item

**ACTION ITEM**

**New Contract**

**Contract Amendment**

**Other**

**CONSENT ITEM**

**Contract Amendment**

**Existing Contract Extension**

**Existing Contract Additional Spend**

**Previous Board Approval \_\_\_\_\_**

**Other Citizens' Depopulation Plan Update**

**Action Items:** Items requiring detailed explanation to the Board. When a requested action item is a day-to-day operational item or unanimously passed through committee it may be moved forward to the board on the Consent Index.

**Move forward as Consent:** This Action item is a day-to-day operational item, unanimously passed through committee or qualifies to be moved forward on the Consent Index.

**Consent Items:** Items not requiring detailed explanation to the Board of Governors. Consent items are contract extensions, amendments or additional spending authorities for items previously approved by the Board.

Item Description	Changes to Citizens' Depopulation Plan
<b>Purpose/Scope</b>	This Consent Item requests Board approval to file changes to Citizens' existing Depopulation Plan with the Florida Office of Insurance Regulation ("OIR"), to conform to statutory changes following the enactment of Committee Substitute for House Bill 1503, effective July 1, 2024.
<b>Contract ID</b>	N/A
<b>Budgeted Item</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Method</b>	N/A
<b>Contract Amount</b>	N/A
<b>Contract Terms</b>	N/A

## Changes to Citizens' Depopulation Plan Consent Item

<b>Committee Recommendation</b>	Staff recommends the Exposure Reduction Committee review, and if approved recommend that the Board of Governors: <ul style="list-style-type: none"><li>a) Authorize staff to seek approval of the proposed changes to Citizens' Depopulation Plan from the OIR;</li><li>b) Authorize staff to implement the proposed changes upon receiving approval from the OIR; and</li><li>c) Authorize staff to take any action consistent with this Consent Item.</li></ul>
<b>Board Recommendation</b>	Citizens' Staff proposes that the Board of Governors: <ul style="list-style-type: none"><li>a) Authorize staff to seek approval of the proposed changes to Citizens' Depopulation Plan from the OIR;</li><li>b) Authorize staff to implement the changes to the Depopulation Plan upon receiving approval from the OIR; and</li><li>c) Authorize staff to take any action consistent with this Consent Item.</li></ul>
<b>Contacts</b>	Jeremy Pope, Chief Administrative Officer

**CITIZENS PROPERTY INSURANCE CORPORATION**  
**~~PERSONAL RESIDENTIAL AND COMMERCIAL LINES~~**  
**~~NON-BONUS DEPOPULATION PLAN~~**

**I. PURPOSE**

A. Pursuant to Section 627.351(6)(q)3., Florida Statutes, Citizens is required to adopt one or more programs, subject to the approval of the Office of Insurance Regulation (Office) for the reduction of both new and renewal writings in the corporation. Citizens may consider any prudent and not unfairly discriminatory approach to reducing Citizens' writings.

B. Pursuant to Section 627.351(6)(ii), Florida Statutes, Citizens shall revise any program previously adopted pursuant to Section 627.351(6)(q)3.a., Florida Statutes, for personal lines residential policies to maximize policyholder options and encourage increased participation by insurers and agents.

C. This Plan of Depopulation (Plan) sets forth the program required by both Sections 627.351(6)(q)3. and ~~Section~~ 627.351(6)(ii), Florida Statutes.

**II. EFFECTIVE DATE**

A. Once effective, this Plan will replace and supersede all previous depopulation plans.

B. This Plan will be effective upon approval by order of the Office, ~~but in no event prior to January 1, 2017.~~

**III. DEFINITIONS**

"Approved Surplus Lines Insurer" refers to an eligible surplus lines insurer, as defined in Section 626.914(2), Florida Statutes, that meets the requirements of Section 627.351(6)(c)2.a.(I), Florida Statutes. An Approved Surplus Lines Insurer may not assume a policy until on or after July 1, 2024.

"Assumed Policy" refers to any policy that has been assumed, removed, or taken-out from Citizens pursuant to this Plan ~~by an Insurer.~~

"Assumed Premium" refers to unearned premium on the Assumed Policies less all taxes, fees, or surcharges invoiced for collection on such policies as determined by Citizens.

"Assumption" refers to any take-out or removal of policies from Citizens ~~by an Insurer~~ in accordance with this Plan.

"Assumption Agreement" refers to an agreement between an Insurer and Citizens, or an Approved Surplus Lines Insurer and Citizens, which sets forth the mutual obligations, consistent with this Plan and all applicable laws, of Citizens and the Insurer or the Approved Surplus Lines Insurer regarding policies to be assumed.

"Assumption Date" refers to the date on which policies are to be assumed ~~by an Insurer.~~

"**Assumption Offer**" refers to an ~~Insurer's~~ offer to assume the coverage and liabilities of a policyholder's policy as articulated in a Policyholder Notice or as otherwise set forth in this Plan during a given Depopulation Cycle.

"**Assumption Period**" refers to the period from the Assumption Date of an Assumed Policy to the date upon which the underlying Citizens policy expires.

"**Assumption Term**" refers to the term during which an Insurer or Approved Surplus Lines Insurer retains obligations relating to Assumed Policies. Unless otherwise specified by the Office or the terms of an Assumption Agreement, the Assumption Term is three years from the Assumption Date, for all Assumed Policies.

"**Commercial Lines Selection Process**" refers to a process for the selection and assumption of commercial lines policies that may differ from the process for the selection and assumption of personal lines policies.

"**Coverage Worksheet**" refers to a worksheet that accompanies a Policyholder Notice and provides information regarding the coverage offered by Citizens or the coverage offered by an Insurer or Approved Surplus Lines Insurer making an Assumption Offer, which may be used by the policyholder to compare such coverages. Coverage worksheets will be provided on all personal lines policies for which Assumption Offers are extended.

"**Depopulation Cycle**" refers to the process for selecting and removing policies from Citizens in accordance with this Plan, including the relevant dates pertaining thereto, starting with the Office Approval, and concluding with the end of the Assumption Period of all Assumed Policies.

"**Insurer**" refers to any insurer holding a certificate of authority issued by the Office and seeking to assume policies in accordance with this Plan. It does not refer to an Approved Surplus Lines Insurer.

~~"**Insurer Selection List**" refers to the list of policies provided by the Insurer to Citizens reflecting those policies that the Insurer wishes to assume.~~

"**Office Approval**" refers to an order or directive of the Office or other agency action authorizing an Insurer or Approved Surplus Lines Insurer to select a specified number and type of policies for assumption from Citizens.

"**Policyholder Notice**" refers to a written notice, approved by the Office, from Citizens to a policyholder regarding all ~~Insurers request~~ing to assume the policy ~~and regarding~~. In accordance with the policyholder's eligibility thresholds provided below, the notice will provide information on whether the policyholder has the option to accept an Assumption Offer or to reject any Assumption Offers and remain, or whether the policy is ineligible for coverage with Citizens, and will be non-renewed. The notice may be sent either by mail or, if the policyholder has opted in to receiving electronic communications, by e-mail to the policyholder's e-mail address on file with Citizens.

"**Primary Residence**" refers to the dwelling that is the policyholder's primary home or is a rental property that is the primary home of the tenant, and which the policyholder or tenant occupies for more than 9 months of each year.

"**Returned Policies**" refers to policies that are returned to Citizens after the Assumption Date ~~by the Insurer~~ in accordance with this Plan.

"Selection List" refers to the list of policies provided by the Insurer or Approved Surplus Lines Insurer to Citizens reflecting those policies that the Insurer or Approved Surplus Lines Insurer wishes to assume.

#### IV. DEPOPULATION CYCLES

A. In accordance with Section 627.351(6)(ii), Florida Statutes ~~(2016)~~, Citizens will publish each Depopulation Cycle on its website no less than three months prior to the beginning of such Depopulation Cycle.

B. Prior to being allowed to extend any Assumption Offers in a Depopulation Cycle, an Insurer or Approved Surplus Lines Insurer must obtain Office Approval authorizing the assumption of policies for the specified Depopulation Cycle.

C. Each Depopulation Cycle published by Citizens must identify all of the critical due dates ~~for an Insurer~~ to participate in the Depopulation Cycle, including the due date for obtaining Office Approval, the due date for submitting the ~~Insurer~~ Selection List to Citizens, the due date upon which ~~the Insurer must provide~~ a description of coverage and the estimated premium must be provided to Citizens, the date upon which Policyholder Notices will be sent, and the Assumption Date.

D. The ~~Insurer~~ Selection List must include ~~a description of the coverage offered and an~~ estimated premium and must be submitted to Citizens in a form and manner that Citizens will prescribe.

#### V. ASSUMPTION AGREEMENTS

A. Prior to assuming any policies from Citizens, an Insurer or Approved Surplus Lines Insurer must enter into an Assumption Agreement which will pertain to all Assumptions that occur during the calendar year during which the Assumption Agreement is entered into. An Insurer or Approved Surplus Lines Insurer must enter into an Assumption Agreement each calendar year it assumes policies from Citizens.

B. Each time an Insurer or Approved Surplus Lines Insurer assumes policies in accordance with this Plan, the obligations of the Assumption Agreement regarding such Assumed Policies will last for the duration of the Assumption Term.

C. Each time an Insurer or Approved Surplus Lines Insurer assumes policies under an Assumption Agreement, an exhibit will be added to the Assumption Agreement identifying the Assumption Date of such policies, the Assumption Term, and a general description of the policies assumed.

D. The Assumption Agreement may incorporate this Plan and any order(s) of the Office.

E. The Assumption Agreement may include ~~a minimum~~ parameters on the number of policies or ~~a minimum~~ amount of exposure that the Insurer or Approved Surplus Lines Insurer ~~must~~ may select for Assumption in any given Depopulation Cycle or in multiple Depopulation Cycles during the life of the Assumption Agreement.

## VI. POLICYHOLDER NOTICES AND POLICYHOLDER CHOICE FOR PERSONAL LINES RESIDENTIAL POLICIES

A. Citizens will maintain and make available to the agent of record, for any personal lines residential policyholder whose policy has been selected for Assumption by one or more Insurers, a list of all Insurers and Approved Surplus Lines Insurers making Assumption Offers during a Depopulation Cycle. The list will include a description of the coverage offered and the estimated premium for each request to assume the policy.

B. For any personal lines residential policyholder whose policy has been selected for Assumption by one or more Insurers, Citizens will provide the Policyholder Notice so that it is received no later than 30 days prior to the Assumption Date. Section 627.351(6)(ii)~~34~~.a.-c., Florida Statutes ~~(2016)~~,<sup>2</sup> requires that the following be provided:

1. The amount of the estimated premium;
2. A description of the coverage;
3. A comparison of the estimated premium and coverage offered by the Insurer or Approved Surplus Lines Insurer to the estimated premium and coverage provided by Citizens.

In fulfilling its obligations per Section 627.351(6)(ii)~~34~~.c., Florida Statutes ~~(2016)~~,<sup>2</sup> Citizens will, with each Policyholder Notice sent pursuant to this section, provide Coverage Worksheets. The Coverage Worksheets may be used to compare the coverage offered by the Insurer or Approved Surplus Lines Insurer to the coverage offered by Citizens. The information relating to the coverage offered by the Insurer or Approved Surplus Lines Insurer will be provided by that Insurer or Approved Surplus Lines Insurer. The Insurer or Approved Surplus Lines Insurer will be responsible for ensuring that ~~all of~~ the information, relating to the coverage it offers, is accurate.

C. A personal lines residential policyholder whose policy has been selected by one or more carriers will receive only one Policyholder Notice per Depopulation Cycle.

D. The policyholder may elect coverage from among any of the Assumption Offers provided in the Policyholder Notice by selecting one of the Assumption Offers and advising Citizens of such selection in the form and manner set forth by Citizens in the Policyholder Notice. If the policyholder selects an Assumption Offer, the policyholder's policy will be scheduled to be assumed by the Insurer or Approved Surplus Lines Insurer making that Assumption Offer on the Assumption Date.

E. Additionally, at any time prior to the Assumption Date, if the policyholder does not select from among the Assumption Offers, the policyholder may elect to remain with Citizens by advising Citizens of such election in a manner set forth in the Policyholder Notice. The option to remain with Citizens is not available to a personal lines residential policyholder unless the estimated premium for coverage from the authorized insurer or Approved Surplus Lines Insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens.

F. If the policyholder does not make a selection from among the Assumption Offers set forth in the Policyholder Notice, and does not elect to remain with Citizens if given the option in the manner set forth in the Policyholder Notice, the policyholder's policy may be assumed by one of the Insurers or Approved Surplus Lines Insurers making an Assumption Offer as set forth in the Policyholder Notice, based on an objective methodology established by Citizens.

G. A policyholder who has the option and wishes to remain with Citizens must elect to remain with Citizens each time Assumption Offers are extended to the policyholder. A policyholder who wishes eligible to remain with Citizens shall not be required to take any action other than to express the desire to remain with Citizens, in the prescribed format prior to the Assumption Date. The policyholder may not provide a standing election to remain with Citizens through multiple Depopulation Cycles.

H. An Approved Surplus Lines Insurer may not offer coverage on any personal lines residential risk that is a Primary Residence or has a homestead exemption under chapter 196, Florida Statutes, at the time of Assumption pursuant to Section 627.351(6)(c)2.a.(I)(D), Florida Statutes.

## VII. COMMERCIAL LINES SELECTION PROCESS

A. If approved by the Office, an Insurer may select commercial lines policies for Assumption.

B. Citizens may utilize one of two options for the Commercial Lines Selection Process:

1. The Commercial Lines Selection Process may be in the same form and manner as the process for selection of personal lines as described in Section VI, ~~with the exception that a commercial lines non-residential policyholder may not elect for such commercial non-residential policy to remain with Citizens, or~~ subject to the following:

a. A commercial lines residential policyholder may not elect for such commercial residential policy to remain with Citizens unless the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens.

b. A commercial lines non-residential policyholder may not elect for such commercial non-residential policy to remain with Citizens.

2. Alternatively, the Commercial Lines Selection Process may be as follows:

a. For commercial lines residential policies:

i. If multiple Insurers have selected a commercial lines residential policy for Assumption in any given Depopulation Cycle, Citizens will determine which Insurer may make an Assumption Offer based on an objective methodology established by Citizens.

ii. An Insurer which is allowed to make an Assumption Offer to commercial lines residential policyholders will be responsible for providing, at the Insurer's expense, notice at least 30 days prior to the Assumption Date to each such policyholder. ~~The~~ If the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens, the notice must advise the policyholder of his or her ability to elect to remain with Citizens.



The option to remain with Citizens is not available to a commercial lines residential policyholder unless the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens.

- iii. ~~A~~If a commercial lines residential policyholder who has received a notice reflecting an Assumption Offer on the commercial lines residential policy and the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens, the commercial lines residential policyholder may elect to remain with Citizens by providing, to the Insurer making the Assumption Offer, a notice of such election within the 30 days prior to the Assumption Date or 30 days after the Assumption Date.

A commercial lines residential policyholder who desires not to accept the Assumption Offer from an Insurer offering to assume the commercial residential policy shall not be required to make any additional payments beyond the premium applicable to the Citizens' policy, or take any action other than to express the desire to remain with Citizens, if given the option, in the prescribed format, no later than 30 days after the Assumption Date. If the policyholder is given the option and does not elect to remain with Citizens in the manner set forth in the Policyholder Notice, the policyholder's policy will be assumed by the Insurer making the Assumption Offer.

- iv. All notices of an Assumption Offer sent pursuant hereto must be approved by Citizens and the Office.
- v. The Insurer making such Assumption offers must accumulate all such elections to remain with Citizens and must facilitate the return of any such policies to Citizens that were assumed as of the Assumption Date. Such policies will be regarded as Returned Policies.

b. For commercial lines non-residential policies:

- i. If multiple Insurers have selected a commercial lines non-residential policy for Assumption in any given Depopulation Cycle, Citizens will determine which Insurer may assume the policy based on an objective methodology established by Citizens.
- ii. ~~An Insurer which is allowed to assume commercial lines non-residential policyholders will be responsible for providing, at the Insurer's expense, notice~~Citizens will provide notice of the Assumption at least 30 days prior to the Assumption Date to each such policyholder.

iii. A commercial lines non-residential policyholder may not elect for such commercial non-residential policy to remain with Citizens upon being notified of the Assumption.

~~iv. All notices of the Assumption sent pursuant hereto must be approved by Citizens and the Office.~~

C. Except as set forth in Section VI (above), relating to policyholder notices for personal lines residential policies (unless Citizens utilizes Section VII.B.1. in the commercial lines selection process), and Section VII.B.2. (above), relating to the selection of commercial lines policies, all other requirements of this Plan apply equally to the assumption of commercial lines and personal lines policies.

### **VIII. PRODUCING AGENTS AND ASSUMING INSURER OR APPROVED SURPLUS LINES INSURER**

A. Pursuant to Section 627.351(6)(q)3.a., when Citizens enters into an Assumption Agreement, the producing agent of record of any Citizens policy selected for Assumption is entitled to retain any unearned commission on such policy, if the policy is assumed, and the Insurer or Approved Surplus Lines Insurer shall either:

1. Pay to the producing agent of record of the policy, for the first year, an amount which is the greater of the Insurer's or Approved Surplus Lines Insurer's usual and customary commission for the type of policy written or a policy fee equal to the usual and customary commission of Citizens; or
2. Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the Insurer's or Approved Surplus Lines Insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer or approved surplus lines insurer, the new insurer or approved surplus lines insurer shall pay the agent in accordance with Section VIII.A.-1. (above).

B. Pursuant to Section 627.3517, Florida Statutes, nothing herein shall be construed to impair the right of any Citizens policyholder, upon receipt of an Assumption Offer, to retain his or her current agent, so long as the agent is duly licensed and appointed by Citizens or otherwise authorized to place business with Citizens. This right cannot be canceled, suspended, impeded, abridged, or otherwise compromised by this Plan.

C. If the policyholder's current agent is unable or unwilling to be appointed with an Insurer or Approved Surplus Lines Insurer making an Assumption Offer, the policyholder shall not be disqualified from participation in Citizens because of an offer of coverage in the voluntary market.

D. When entering into the Assumption Agreement and selecting policies for Assumption, the Insurer or Approved Surplus Lines Insurer must certify that any agents of record for policies so sought for Assumption are appointed by the Insurer or Approved Surplus Lines Insurer or have otherwise entered into

an agreement that allows the producing agent of record to continue servicing the policy in accordance with Section 627.351(6)(q)3.a., Florida Statutes.

#### ~~VIII~~.IX. LIABILITIES ON ASSUMED POLICIES

A. Any Assumed Policy is, as of the Assumption Date, direct insurance issued by the insurer or approved surplus lines insurer and not by Citizens, even if Citizens continues to service the policies.

B. With respect to Assumed Policies, commencing on the Assumption Dates pertaining to such Assumed Policies, the Insurer or Approved Surplus Lines Insurer shall be responsible for all insurer obligations related to the Assumed Policies, except with regard to routine servicing of Assumed Policies during the Assumption Periods thereof, or for claims incurred on Returned Policies as set forth herein.

C. With regard to losses occurring on Assumed Policies on or after the Assumption Date, Citizens shall give notice promptly to the Insurer or Approved Surplus Lines Insurer of any claim or the commencement of any legal proceedings against Citizens with respect to such claim.

D. Citizens shall have the exclusive right to control the defense and adjustment of any claim for loss occurring prior to the Assumption Date and the Insurer or Approved Surplus Lines Insurer shall have the exclusive right to control the defense and adjustment of any claim for loss occurring on or after the Assumption Date, other than for Returned Policies.

E. Insurer or Approved Surplus Lines Insurer is solely responsible for the payment and servicing of claims for losses occurring on or after the Assumption Date for all Assumed Policies, except for Returned Policies as set forth herein.

F. For each Assumed Policy, Citizens shall remain liable for all losses occurring prior to the Assumption Date.

G. Other than for losses on Returned Policies as otherwise provided in this Plan, and notwithstanding any other provision of this Plan, if the Insurer or Approved Surplus Lines Insurer pays for a loss that it alleges to have occurred prior to the Assumption Date but does not provide Citizens an opportunity to investigate, adjust, or defend that claim prior to such payment, as is Citizens' exclusive right per this Plan, the Insurer or Approved Surplus Lines Insurer will not be entitled to reimbursement from Citizens.

#### ~~IX~~.X. RETURNED POLICIES

A. It is the obligation of an Insurer and an Approved Surplus Lines Insurer assuming policies pursuant to this Plan to thoroughly review and carefully consider the data provided to it prior to making its policy selections. Accordingly, except as provided in this Plan for commercial policies that are returned to Citizens after the Assumption Date pursuant to Section VII.B.2., after the Assumption Date, but in no instance after the Assumption Period, an Assumed Policy may be returned to Citizens, and become a Returned Policy, only if:

1. There is a condition (or there are conditions) which were unknown to the Insurer [or Approved Surplus Lines Insurer](#) as of the Assumption Date that make the continued coverage of the Assumed Policy by the Insurer [or Approved Surplus Lines Insurer](#) impossible or otherwise contrary to law or order of the Office; or
2. There is, as of the Assumption Date, a mutual mistake between Citizens and the Insurer [or Approved Surplus Lines Insurer](#) which, if it had been known, would have rendered the policy ineligible for coverage under the Insurer's [or Approved Surplus Lines Insurer's](#) underwriting guidelines; or
3. An order of the Office necessitates that the policies be returned to Citizens.

B. The occurrence of a claim on or after the Assumption Date is not a basis for returning a policy to Citizens.

C. Citizens is responsible for claims incurred on Returned Policies. Insurer [or Approved Surplus Lines Insurer](#) shall immediately notify Citizens of any claims on Returned Policies and immediately communicate all policy and claim information to Citizens. To the extent that Insurer [or Approved Surplus Lines Insurer](#) has incurred loss adjustment expenses on claims for Returned Policies, Citizens will reimburse Insurer [or Approved Surplus Lines Insurer](#) for such expenses only to the extent and amount that Citizens would have paid for such expenses.

#### **XI. FORMS, RATES, AND RENEWALS**

A. Commencing on the Assumption Date of an Assumed Policy:

1. Until the end of the Assumption Period for each Assumed Policy, Citizens will process endorsements and cancellations and provide other routine policy services. However, the Insurer [or Approved Surplus Lines Insurer](#) will be responsible for extending an offer of coverage and for the adjustment and payment of claims.
2. The Insurer [or Approved Surplus Lines Insurer](#) shall offer and process offers of coverage with respect to Assumed Policies, and shall be solely responsible for all servicing activities as of its first policy term.

B. An Insurer [or Approved Surplus Lines Insurer](#) that has assumed policies in accordance with this Plan shall offer coverage to each Assumed Policy, for a minimum of three years from its Assumption Date. All offers of coverage and renewals thereof shall be issued utilizing forms and rates approved by the Office.

C. The Insurer [or Approved Surplus Lines Insurer](#) must offer coverage on Assumed Policies that is comparable coverage to the coverage provided by Citizens.

D. An Insurer [or Approved Surplus Lines Insurer](#) may cancel or nonrenew an Assumed Policy for material misstatement, nonpayment of premium, failure to comply within ~~60~~90 days of the date of effectuation of the coverage with underwriting requirements of the Insurer, substantial change in the risk, or fraud. An Insurer [or Approved Surplus Lines Insurer](#) may not cancel or nonrenew an Assumed Policy for exposure management or for any underwriting reason that the Insurer [or Approved Surplus Lines Insurer](#) knew or should have known of at the Assumption Date.

## **XI.XII. ASSUMED PREMIUMS**

A. Citizens will direct the release of Assumed Premium relating to Assumed Policies to the Insurer or Approved Surplus Lines Insurer that has assumed such policies within 20 days of the Assumption Date.

B. The Insurer and Approved Surplus Lines Insurer shall return to Citizens all unearned premiums received on such Returned Policies to Citizens in a manner acceptable to Citizens.

C. At recurring times established by Citizens, a true-up of Assumed Premium will be performed. During this true-up, Citizens will review premium transaction activity on Assumed Policies that are in the Assumption Period, as well as Returned Policies. Based on the results of this true-up, Citizens and the Insurer or Approved Surplus Lines Insurer will coordinate making appropriate adjustments to the Assumed Premium resulting from any Assumed Policies that are cancelled or endorsed during the Assumption Period, as well as coordinate the return of any outstanding unearned premiums received on Returned Policies.

D. Within 15 days of the true-up date at which it is determined that Insurer or Approved Surplus Lines Insurer owes Citizens Assumed Premium paid for Assumed Policies, Insurer or Approved Surplus Lines Insurer will pay the determined amount.

## **XII.XIII. NO TAKE-OUT BONUSES ARE APPROVED**

A.—

No take-out bonuses authorized by Section 627.3511, Florida Statutes, or otherwise are approved under this Plan. Any proposal for such bonuses must be pursuant to a separate plan.

## **XIV. AMENDMENTS TO FLORIDA LAW**

In the event there is a conflict between any provision of this Plan and an amendment to Florida law, the latter controls.

**CITIZENS PROPERTY INSURANCE CORPORATION  
DEPOPULATION PLAN**

**I. PURPOSE**

A. Pursuant to Section 627.351(6)(q)3., Florida Statutes, Citizens is required to adopt one or more programs, subject to the approval of the Office of Insurance Regulation (Office) for the reduction of both new and renewal writings in the corporation. Citizens may consider any prudent and not unfairly discriminatory approach to reducing Citizens' writings.

B. Pursuant to Section 627.351(6)(ii), Florida Statutes, Citizens shall revise any program previously adopted pursuant to Section 627.351(6)(q)3.a., Florida Statutes, for personal lines residential policies to maximize policyholder options and encourage increased participation by insurers and agents.

C. This Plan of Depopulation (Plan) sets forth the program required by both Sections 627.351(6)(q)3. and 627.351(6)(ii), Florida Statutes.

**II. EFFECTIVE DATE**

A. Once effective, this Plan will replace and supersede all previous depopulation plans.

B. This Plan will be effective upon approval by order of the Office.

**III. DEFINITIONS**

**"Approved Surplus Lines Insurer"** refers to an eligible surplus lines insurer, as defined in Section 626.914(2), Florida Statutes, that meets the requirements of Section 627.351(6)(c)2.a.(I), Florida Statutes. An Approved Surplus Lines Insurer may not assume a policy until on or after July 1, 2024.

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**"Assumption"** refers to any take-out or removal of policies from Citizens in accordance with this Plan.

**"Assumption Agreement"** refers to an agreement between an Insurer and Citizens, or an Approved Surplus Lines Insurer and Citizens, which sets forth the mutual obligations, consistent with this Plan and all applicable laws, of Citizens and the Insurer or the Approved Surplus Lines Insurer regarding policies to be assumed.

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**"Insurer"** refers to any insurer holding a certificate of authority issued by the Office and seeking to assume policies in accordance with this Plan. It does not refer to an Approved Surplus Lines Insurer.

**"Office Approval"** refers to an order or directive of the Office or other agency action authorizing an Insurer or Approved Surplus Lines Insurer to select a specified number and type of policies for assumption from Citizens.

**"Policyholder Notice"** refers to a written notice, approved by the Office, from Citizens to a policyholder regarding all requests to assume the policy. In accordance with the eligibility thresholds provided below, the notice will provide information on whether the policyholder has the option to accept an Assumption Offer or to reject any Assumption Offers, or whether the policy is ineligible for coverage with Citizens and will be non-renewed. The notice may be sent either by mail or, if the policyholder has opted in to receiving electronic communications, by e-mail to the policyholder's e-mail address on file with Citizens.

**"Primary Residence"** refers to the dwelling that is the policyholder's primary home or is a rental property that is the primary home of the tenant, and which the policyholder or tenant occupies for more than 9 months of each year.

**"Returned Policies"** refers to policies that are returned to Citizens after the Assumption Date in accordance with this Plan.

**"Selection List"** refers to the list of policies provided by the Insurer or Approved Surplus Lines Insurer to Citizens reflecting those policies that the Insurer or Approved Surplus Lines Insurer wishes to assume.

#### **IV. DEPOPULATION CYCLES**

A. In accordance with Section 627.351(6)(ii), Florida Statutes, Citizens will publish each Depopulation Cycle on its website no less than three months prior to the beginning of such Depopulation Cycle.

B. Prior to being allowed to extend any Assumption Offers in a Depopulation Cycle, an Insurer or Approved Surplus Lines Insurer must obtain Office Approval authorizing the assumption of policies for the specified Depopulation Cycle.

C. Each Depopulation Cycle published by Citizens must identify all of the critical due dates to participate in the Depopulation Cycle, including the due date for obtaining Office Approval, the due date for submitting the Selection List to Citizens, the due date upon which a description of coverage and the estimated premium must be provided to Citizens, the date upon which Policyholder Notices will be sent, and the Assumption Date.

D. The Selection List must include an estimated premium and must be submitted to Citizens in a form and manner that Citizens will prescribe.

#### **V. ASSUMPTION AGREEMENTS**

A. Prior to assuming any policies from Citizens, an Insurer or Approved Surplus Lines Insurer must enter into an Assumption Agreement which will pertain to all Assumptions that occur during the calendar year during which the Assumption Agreement is entered into. An Insurer or Approved Surplus Lines Insurer must enter into an Assumption Agreement each calendar year it assumes policies from Citizens.

B. Each time an Insurer or Approved Surplus Lines Insurer assumes policies in accordance with this Plan, the obligations of the Assumption Agreement regarding such Assumed Policies will last for the duration of the Assumption Term.

C. Each time an Insurer or Approved Surplus Lines Insurer assumes policies under an Assumption Agreement, an exhibit will be added to the Assumption Agreement identifying the Assumption Date of such policies, the Assumption Term, and a general description of the policies assumed.

D. The Assumption Agreement may incorporate this Plan and any order(s) of the Office.

E. The Assumption Agreement may include parameters on the number of policies or amount of exposure that the Insurer or Approved Surplus Lines Insurer may select for Assumption in any given Depopulation Cycle or in multiple Depopulation Cycles during the life of the Assumption Agreement.

#### **VI. POLICYHOLDER NOTICES AND POLICYHOLDER CHOICE FOR PERSONAL LINES RESIDENTIAL POLICIES**

A. Citizens will maintain and make available to the agent of record, for any personal lines residential policyholder whose policy has been selected for Assumption, a list of all Insurers and Approved Surplus Lines Insurers making Assumption Offers during a Depopulation Cycle. The list will include a description of the coverage offered and the estimated premium for each request to assume the policy.



B. For any personal lines residential policyholder whose policy has been selected for Assumption, Citizens will provide the Policyholder Notice so that it is received no later than 30 days prior to the Assumption Date. Section 627.351(6)(ii)4.a.-c., Florida Statutes, requires that the following be provided:

1. The amount of the estimated premium;
2. A description of the coverage;
3. A comparison of the estimated premium and coverage offered by the Insurer or Approved Surplus Lines Insurer to the estimated premium and coverage provided by Citizens.

In fulfilling its obligations per Section 627.351(6)(ii)4.c., Florida Statutes, Citizens will, with each Policyholder Notice sent pursuant to this section, provide Coverage Worksheets. The Coverage Worksheets may be used to compare the coverage offered by the Insurer or Approved Surplus Lines Insurer to the coverage offered by Citizens. The information relating to the coverage offered by the Insurer or Approved Surplus Lines Insurer will be provided by that Insurer or Approved Surplus Lines Insurer. The Insurer or Approved Surplus Lines Insurer will be responsible for ensuring that the information, relating to the coverage it offers, is accurate.

C. A personal lines residential policyholder whose policy has been selected by one or more carriers will receive only one Policyholder Notice per Depopulation Cycle.

D. The policyholder may elect coverage from among any of the Assumption Offers provided in the Policyholder Notice by selecting one of the Assumption Offers and advising Citizens of such selection in the form and manner set forth by Citizens in the Policyholder Notice. If the policyholder selects an Assumption Offer, the policyholder's policy will be scheduled to be assumed by the Insurer or Approved Surplus Lines Insurer making that Assumption Offer on the Assumption Date.

E. Additionally, at any time prior to the Assumption Date, if the policyholder does not select from among the Assumption Offers, the policyholder may elect to remain with Citizens by advising Citizens of such election in a manner set forth in the Policyholder Notice. The option to remain with Citizens is not available to a personal lines residential policyholder unless the estimated premium for coverage from the authorized insurer or Approved Surplus Lines Insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens.

F. If the policyholder does not make a selection from among the Assumption Offers set forth in the Policyholder Notice, and does not elect to remain with Citizens if given the option in the manner set forth in the Policyholder Notice, the policyholder's policy may be assumed by one of the Insurers or Approved Surplus Lines Insurers making an Assumption Offer as set forth in the Policyholder Notice, based on an objective methodology established by Citizens.

G. A policyholder who has the option and wishes to remain with Citizens must elect to remain with Citizens each time Assumption Offers are extended to the policyholder. A policyholder who is eligible to remain with Citizens shall not be required to take any action other than to express the desire to remain with Citizens, in the prescribed format prior to the Assumption Date. The policyholder may not provide a standing election to remain with Citizens through multiple Depopulation Cycles.

H. An Approved Surplus Lines Insurer may not offer coverage on any personal lines residential risk that is a Primary Residence or has a homestead exemption under chapter 196, Florida Statutes, at the time of Assumption pursuant to Section 627.351(6)(c)2.a.(I)(D), Florida Statutes.

## VII. COMMERCIAL LINES SELECTION PROCESS

- A. If approved by the Office, an Insurer may select commercial lines policies for Assumption.
- B. Citizens may utilize one of two options for the Commercial Lines Selection Process:
  - 1. The Commercial Lines Selection Process may be in the same form and manner as the process for selection of personal lines as described in Section VI, subject to the following:
    - a. A commercial lines residential policyholder may not elect for such commercial residential policy to remain with Citizens unless the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens.
    - b. A commercial lines non-residential policyholder may not elect for such commercial non-residential policy to remain with Citizens.
  - 2. Alternatively, the Commercial Lines Selection Process may be as follows:
    - a. For commercial lines residential policies:
      - i. If multiple Insurers have selected a commercial lines residential policy for Assumption in any given Depopulation Cycle, Citizens will determine which Insurer may make an Assumption Offer based on an objective methodology established by Citizens.
      - ii. An Insurer which is allowed to make an Assumption Offer to commercial lines residential policyholders will be responsible for providing, at the Insurer's expense, notice at least 30 days prior to the Assumption Date to each such policyholder. If the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens, the notice must advise the policyholder of his or her ability to elect to remain with Citizens. The option to remain with Citizens is not available to a commercial lines residential policyholder unless the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens.
      - iii. If a commercial lines residential policyholder has received a notice reflecting an Assumption Offer on the commercial lines residential policy and the estimated premium for coverage from the authorized insurer is more than 20 percent greater than the estimated renewal premium for comparable coverage from Citizens, the commercial lines residential policyholder may elect to remain with Citizens by providing, to the Insurer making the Assumption Offer, a notice of such election within the 30 days prior to the Assumption Date or 30 days after the Assumption Date.

A commercial lines residential policyholder who desires not to accept the Assumption Offer from an Insurer offering to assume the commercial residential policy shall not be required to make any additional payments beyond the premium applicable to the Citizens' policy, or take any action other than to express the desire to remain with Citizens, if given the option, in the prescribed format, no later than 30 days after the Assumption Date. If the policyholder is given the option and does not elect to remain with Citizens in the manner set forth in the Policyholder Notice, the policyholder's policy will be assumed by the Insurer making the Assumption Offer.

- iv. All notices of an Assumption Offer sent pursuant hereto must be approved by Citizens and the Office.
  - v. The Insurer making such Assumption offers must accumulate all such elections to remain with Citizens and must facilitate the return of any such policies to Citizens that were assumed as of the Assumption Date. Such policies will be regarded as Returned Policies.
- b. For commercial lines non-residential policies:
- i. If multiple Insurers have selected a commercial lines non-residential policy for Assumption in any given Depopulation Cycle, Citizens will determine which Insurer may assume the policy based on an objective methodology established by Citizens.
  - ii. Citizens will provide notice of the Assumption at least 30 days prior to the Assumption Date to each such policyholder.
  - iii. A commercial lines non-residential policyholder may not elect for such commercial non-residential policy to remain with Citizens upon being notified of the Assumption.

C. Except as set forth in Section VI (above), relating to policyholder notices for personal lines residential policies (unless Citizens utilizes Section VII.B.1. in the commercial lines selection process), and Section VII.B.2. (above), relating to the selection of commercial lines policies, all other requirements of this Plan apply equally to the assumption of commercial lines and personal lines policies.

## **VIII. PRODUCING AGENTS AND ASSUMING INSURER OR APPROVED SURPLUS LINES INSURER**

A. Pursuant to Section 627.351(6)(q)3.a., when Citizens enters into an Assumption Agreement, the producing agent of record of any Citizens policy selected for Assumption is entitled to retain any unearned commission on such policy, if the policy is assumed, and the Insurer or Approved Surplus Lines Insurer shall either:

1. Pay to the producing agent of record of the policy, for the first year, an amount which is the greater of the Insurer's or Approved Surplus Lines Insurer's usual and customary commission for the type of policy written or a policy fee equal to the usual and customary commission of Citizens; or
2. Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the Insurer's or Approved Surplus Lines Insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer or approved surplus lines insurer, the new insurer or approved surplus lines insurer shall pay the agent in accordance with Section VIII.A.1. (above).

B. Pursuant to Section 627.3517, Florida Statutes, nothing herein shall be construed to impair the right of any Citizens policyholder, upon receipt of an Assumption Offer, to retain his or her current agent, so long as the agent is duly licensed and appointed by Citizens or otherwise authorized to place business with Citizens. This right cannot be canceled, suspended, impeded, abridged, or otherwise compromised by this Plan.

C. If the policyholder's current agent is unable or unwilling to be appointed with an Insurer or Approved Surplus Lines Insurer making an Assumption Offer, the policyholder shall not be disqualified from participation in Citizens because of an offer of coverage in the voluntary market.

D. When entering into the Assumption Agreement and selecting policies for Assumption, the Insurer or Approved Surplus Lines Insurer must certify that any agents of record for policies so sought for Assumption are appointed by the Insurer or Approved Surplus Lines Insurer or have otherwise entered into an agreement that allows the producing agent of record to continue servicing the policy in accordance with Section 627.351(6)(q)3.a., Florida Statutes.

## **IX. LIABILITIES ON ASSUMED POLICIES**

A. Any Assumed Policy is, as of the Assumption Date, direct insurance issued by the insurer or approved surplus lines insurer and not by Citizens, even if Citizens continues to service the policies.

B. With respect to Assumed Policies, commencing on the Assumption Dates pertaining to such Assumed Policies, the Insurer or Approved Surplus Lines Insurer shall be responsible for all insurer obligations related to the Assumed Policies, except with regard to routine servicing of Assumed Policies during the Assumption Periods thereof, or for claims incurred on Returned Policies as set forth herein.

C. With regard to losses occurring on Assumed Policies on or after the Assumption Date, Citizens shall give notice promptly to the Insurer or Approved Surplus Lines Insurer of any claim or the commencement of any legal proceedings against Citizens with respect to such claim.

D. Citizens shall have the exclusive right to control the defense and adjustment of any claim for loss occurring prior to the Assumption Date and the Insurer or Approved Surplus Lines Insurer shall

have the exclusive right to control the defense and adjustment of any claim for loss occurring on or after the Assumption Date, other than for Returned Policies.

E. Insurer or Approved Surplus Lines Insurer is solely responsible for the payment and servicing of claims for losses occurring on or after the Assumption Date for all Assumed Policies, except for Returned Policies as set forth herein.

F. For each Assumed Policy, Citizens shall remain liable for all losses occurring prior to the Assumption Date.

G. Other than for losses on Returned Policies as otherwise provided in this Plan, and notwithstanding any other provision of this Plan, if the Insurer or Approved Surplus Lines Insurer pays for a loss that it alleges to have occurred prior to the Assumption Date but does not provide Citizens an opportunity to investigate, adjust, or defend that claim prior to such payment, as is Citizens' exclusive right per this Plan, the Insurer or Approved Surplus Lines Insurer will not be entitled to reimbursement from Citizens.

## **X. RETURNED POLICIES**

A. It is the obligation of an Insurer and an Approved Surplus Lines Insurer assuming policies pursuant to this Plan to thoroughly review and carefully consider the data provided to it prior to making its policy selections. Accordingly, except as provided in this Plan for commercial policies that are returned to Citizens after the Assumption Date pursuant to Section VII.B.2., after the Assumption Date, but in no instance after the Assumption Period, an Assumed Policy may be returned to Citizens, and become a Returned Policy, only if:

1. There is a condition (or there are conditions) which were unknown to the Insurer or Approved Surplus Lines Insurer as of the Assumption Date that make the continued coverage of the Assumed Policy by the Insurer or Approved Surplus Lines Insurer impossible or otherwise contrary to law or order of the Office; or
2. There is, as of the Assumption Date, a mutual mistake between Citizens and the Insurer or Approved Surplus Lines Insurer which, if it had been known, would have rendered the policy ineligible for coverage under the Insurer's or Approved Surplus Lines Insurer's underwriting guidelines; or
3. An order of the Office necessitates that the policies be returned to Citizens.

B. The occurrence of a claim on or after the Assumption Date is not a basis for returning a policy to Citizens.

C. Citizens is responsible for claims incurred on Returned Policies. Insurer or Approved Surplus Lines Insurer shall immediately notify Citizens of any claims on Returned Policies and immediately communicate all policy and claim information to Citizens. To the extent that Insurer or Approved Surplus Lines Insurer has incurred loss adjustment expenses on claims for Returned Policies, Citizens will reimburse Insurer or Approved Surplus Lines Insurer for such expenses only to the extent and amount that Citizens would have paid for such expenses.

## **XI. FORMS, RATES, AND RENEWALS**

- A. Commencing on the Assumption Date of an Assumed Policy:
1. Until the end of the Assumption Period for each Assumed Policy, Citizens will process endorsements and cancellations and provide other routine policy services. However, the Insurer or Approved Surplus Lines Insurer will be responsible for extending an offer of coverage and for the adjustment and payment of claims.
  2. The Insurer or Approved Surplus Lines Insurer shall offer and process offers of coverage with respect to Assumed Policies, and shall be solely responsible for all servicing activities as of its first policy term.

B. An Insurer or Approved Surplus Lines Insurer that has assumed policies in accordance with this Plan shall offer coverage to each Assumed Policy, for a minimum of three years from its Assumption Date. All offers of coverage and renewals thereof shall be issued utilizing forms and rates approved by the Office.

C. The Insurer or Approved Surplus Lines Insurer must offer coverage on Assumed Policies that is comparable coverage to the coverage provided by Citizens.

D. An Insurer or Approved Surplus Lines Insurer may cancel or nonrenew an Assumed Policy for material misstatement, nonpayment of premium, failure to comply within 60 days of the date of effectuation of the coverage with underwriting requirements of the Insurer, substantial change in the risk, or fraud. An Insurer or Approved Surplus Lines Insurer may not cancel or nonrenew an Assumed Policy for exposure management or for any underwriting reason that the Insurer or Approved Surplus Lines Insurer knew or should have known of at the Assumption Date.

## **XII. ASSUMED PREMIUMS**

A. Citizens will direct the release of Assumed Premium relating to Assumed Policies to the Insurer or Approved Surplus Lines Insurer that has assumed such policies within 20 days of the Assumption Date.

B. The Insurer and Approved Surplus Lines Insurer shall return to Citizens all unearned premiums received on such Returned Policies to Citizens in a manner acceptable to Citizens.

C. At recurring times established by Citizens, a true-up of Assumed Premium will be performed. During this true-up, Citizens will review premium transaction activity on Assumed Policies that are in the Assumption Period, as well as Returned Policies. Based on the results of this true-up, Citizens and the Insurer or Approved Surplus Lines Insurer will coordinate making appropriate adjustments to the Assumed Premium resulting from any Assumed Policies that are cancelled or endorsed during the Assumption Period, as well as coordinate the return of any outstanding unearned premiums received on Returned Policies.

D. Within 15 days of the true-up date at which it is determined that Insurer or Approved Surplus Lines Insurer owes Citizens Assumed Premium paid for Assumed Policies, Insurer or Approved Surplus Lines Insurer will pay the determined amount.

### **XIII. NO TAKE-OUT BONUSES ARE APPROVED**

No take-out bonuses authorized by Section 627.3511, Florida Statutes, or otherwise are approved under this Plan. Any proposal for such bonuses must be pursuant to a separate plan.

### **XIV. AMENDMENTS TO FLORIDA LAW**

In the event there is a conflict between any provision of this Plan and an amendment to Florida law, the latter controls.