

FROM: Julian James, Worldwide Markets EXTN: 6677
DATE: 25 November 2004 REF: Y3433
SUBJECT: **FLORIDA OFFICE OF INSURANCE REGULATION – EMERGENCY RULE
69OER04-19 – CLAIMS ADJUSTMENT REQUIREMENTS – GUIDANCE ON
SUBMISSION OF AFFIDAVITS**
SUBJECT AREA(S): Claims adjustment procedures following Tropical Storm Bonnie and
Hurricanes Charley, Frances, Ivan and Jeanne in Florida
ATTACHMENTS: Appendix A – Affidavit Part 1
Appendix B – Affidavit Part 2
Appendix C – Affidavit Part 3

ACTION POINTS: **Urgent – Underwriters and Managing Agents to note, implement and
comply**
DEADLINE(S): **IMMEDIATE**

1. Purpose of the bulletin

To provide guidance on compliance with the requirements for the submission of affidavits to the Florida Office of Insurance Regulation under Emergency Rule 69OER04-19 – Claims Adjustment Requirements (“the Rule”).

2. Background

The Rule applies to personal lines residential property claims in Florida caused by hurricanes and tropical storms during the 2004 hurricane season.

Market Bulletins Y3424 dated 11 November, 2004 and Y3429, dated 18 November, 2004, gave details of Emergency Rule 69OER04-19 – Claims Adjustment Requirements. Amongst its provisions were requirements to submit affidavits to the Florida Office of Insurance Regulation concerning the status of certain claims.

The Florida Office of Insurance Regulation (“OIR”) has subsequently issued an Informational Memorandum to clarify some filing requirements and has provided a response to a Lloyd’s request for confirmation on certain points. The OIR’s guidance is set out in this bulletin.

3. OIR Order Approving Variance

In response to a formal request from Lloyd's, the OIR has confirmed the following:

- Affidavits of Compliance may be signed by a managing agent or a coverholder.
- Such affidavits may state that the information provided is based upon the affiant's best knowledge, based upon the best information available, after a reasonable and thorough investigation.
- Affidavits may be accompanied with a letter of explanation or with supplementary information. We would encourage those signing the affidavits to make use of this to explain the basis on which they are signing and the entities in respect of which they are acting.

The OIR has provided amended versions of the affidavits to be provided, which replace the versions attached Market Bulletin Y3429. These are attached to this Bulletin (Appendices A to C).

For binding authority business a representative of the coverholder should swear the affidavits in respect of all business written [or administered] by it under binding authorities. For open market business a representative of the managing agent of the leading syndicate should swear the affidavits in respect of all open market business led by that syndicate.

The form of affidavit needs adaptation where indicated, according to whether the person swearing it is a representative of a managing agent or of a coverholder and according to whether it is sworn in the USA or in England (in England the affidavit may be sworn before a solicitor and does not have to be sworn before a Notary Public).

4. The Informational Memorandum - Submission of affidavits

The Informational Memorandum, dated 19 November 2004, can be found on the website of the OIR at the following address: <http://www.fldfs.com/companies/Memoranda/OIR-04-019M.pdf>

In line with the Memorandum, affidavits may be submitted in any of the following ways by the applicable deadlines:

- a) By mail, addressed to:
Chris Biggins
Insurance Analyst II
Office of Insurance Regulation
Bureau of Market Investigations
200 East Gaines Street
Tallahassee
FL 3299-4210
- b) By email to:
Chris.Biggins@fldfs.com

- c) By fax to:
001 443 785 2420

As mentioned in Market Bulletin Y3429, the applicable deadlines are as follows:

Affidavit Part I	29 November 2004
Affidavit Part II	15 December 2004
Affidavit Part III	First day of each month, beginning 1 January 2005.

5. The Informational Memorandum - Requirements for reporting claims

If claims do not meet the conditions specified in the Rule, there are obligations to provide listings of claims not in compliance to the OIR by specified dates. The Memorandum sets out how this report should be made.

The listing should be emailed in Excel spreadsheet format to Chris.Biggin@fldfs.com. The spreadsheet should identify the insurer and contain the following data elements:

- a) Storm Name
- b) Insured Last Name
- c) Insured First Name
- d) Policy Number
- e) Claim Number
- f) Date of Loss
- g) Claim Report Date
- h) Date of ALE Payment
- i) Date of Inspection
- j) Date of Settlement Offer

6. Further Information

Please contact Lloyd's Worldwide Market Services (contact details found below) for more information.

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

You may also contact Catherine Egan, Associate General Counsel at Lloyd's America (001 212 382 4096). Lloyd's local counsel is available as may be necessary to advise on specific compliance issues and to interact with the Florida Department of Financial Services and the Florida Office of Insurance Regulation.

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

Julian James
Director, Worldwide Markets

Appendix A

AFFIDAVIT OF COMPLIANCE WITH
EMERGENCY RULE 69OER04-19
PART I
Tropical Storm Bonnie, Hurricanes Charley and Frances

[STATE OF _____

COUNTY OF _____]*

BEFORE ME, the undersigned authority, personally appeared _____,
who, being duly sworn, deposes and says:

1. My name is _____. I am the duly authorised representative of _____
a Lloyd's [managing agent] [coverholder]*

2. I have personal knowledge of insurer's compliance with Emergency Rule 69OER04-19, and the conditions and requirements of said rule.

3. I hereby attest (or attest based upon my best knowledge, based upon the best knowledge available, after a reasonable and thorough investigation) that as of November 22, 2004 (Initial the following paragraph that applies):

_____ All personal lines residential property claims related to Hurricanes Charley, Frances and Tropical Storm Bonnie damage in Florida reported to Lloyd's on or before October 21, 2004, meet all conditions and requirements of Emergency Rule 69OER04-19.

_____ All personal lines residential property claims related to Hurricanes Charley, Frances and Tropical Storm Bonnie damage in Florida reported to Lloyd's on or before October 21, 2004, did not meet all conditions and requirements of Emergency Rule 69OER04-19. A listing of each claim not in compliance as of November 22, 2004, will be provided to the Office of Insurance Regulation no later than December 7, 2004.

_____ No personal lines residential property claims related to Hurricanes Charley, Frances and Tropical Storm Bonnie damage in Florida were reported to Lloyd's as of October 21, 2004.

FURTHER AFFIANT SAYETH NAUGHT.

[Sworn to and subscribed before me
The undersigned authority this _____
Day of _____, 2004

[Sworn at

Before me

NOTARY PUBLIC
STATE OF _____

A solicitor of the Supreme Court of
England and Wales]*

My commission Expires:]*

* Delete as appropriate

Appendix B

AFFIDAVIT OF COMPLIANCE WITH
EMERGENCY RULE 69OER04-19
PART II
Hurricanes Ivan and Jeanne

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____,
who, being duly sworn, deposes and says:

1. My name is _____. I am the duly authorised representative of
_____ a Lloyd's [managing agent] [coverholder]*

2. I have personal knowledge of insurer's compliance with Emergency Rule 69OER04-19, and
the conditions and requirements of said rule.

3. I hereby attest (or attest based upon my best knowledge, based upon the best knowledge
available, after a reasonable and thorough investigation) that as of December 8, 2004 (Initial the
following paragraph that applies):

_____ All personal lines residential property claims related to
Hurricanes Ivan and Jeanne in Florida reported to Lloyd's on or before
November 8, 2004, meet all conditions and requirements of
Emergency Rule 69OER04-19.

_____ All personal lines residential property claims related to
Hurricanes Ivan and Jeanne damage in Florida reported to Lloyd's on or
before November 8, 2004, did not meet all conditions and requirements of
Emergency Rule 69OER04-19. A listing of each claim not in compliance as of
December 8, 2004, will be provided to the Office of Insurance Regulation no
later than December 23, 2004.

_____ No personal lines residential property claims related to Hurricanes
Ivan and Jeanne damage in Florida were reported to Lloyd's as of November
8, 2004.

FURTHER AFFIANT SAYETH NAUGHT.

[Sworn to and subscribed before me
The undersigned authority this _____
Day of _____, 2004

[Sworn at

Before me

NOTARY PUBLIC
STATE OF _____

A solicitor of the Supreme Court of
England and Wales]*

My commission Expires:]*

* Delete as appropriate

Appendix C

AFFIDAVIT OF COMPLIANCE WITH
EMERGENCY RULE 69OER04-19
PART III

Claims for Tropical Storm Bonnie, Hurricanes Charley and Frances Filed After October 21, 2004 and
Hurricanes Ivan and Jeanne Filed After November 8, 2004

[STATE OF _____

COUNTY OF _____]*

BEFORE ME, the undersigned authority, personally appeared _____,
who, being duly sworn, deposes and says:

1. My name is _____. I am the duly authorised representative of _____
a Lloyd's [managing agent] [coverholder]*

2. I have personal knowledge of insurer's compliance with Emergency Rule 69OER04-19, and
the conditions and requirements of said rule.

3. I hereby attest (or attest based upon my best knowledge, based upon the best knowledge
available, after a reasonable and thorough investigation) that as of _____ (Initial
the following paragraph that applies):

_____ All personal lines residential property claims related to Hurricanes Charley,
Frances, Ivan, Jeanne and Tropical Storm Bonnie in Florida reported to
Lloyd's on or before _____, meet all
conditions and requirements of Emergency Rule 69OER04-19.

_____ All personal lines residential property claims related to Hurricanes
Charley, Frances, Ivan, Jeanne and Tropical Storm Bonnie damage in Florida
reported to Lloyd's on or before _____, did not
meet all conditions and requirements of Emergency Rule 69OER04-19.
A listing of each claim not in compliance as of that date will be provided to the
Office of Insurance Regulation within 15 days.

_____ No personal lines residential property claims related to Hurricanes
Charley, Frances, Ivan, Jeanne and Tropical Storm Bonnie damage in Florida
were reported to Lloyd's as of _____.

FURTHER AFFIANT SAYETH NAUGHT.

[Sworn to and subscribed before me
The undersigned authority this _____
Day of _____, 2004

[Sworn at

Before me

NOTARY PUBLIC
STATE OF _____

A solicitor of the Supreme Court of
England and Wales]*

My commission Expires:]*

* Delete as appropriate