



DEPARTMENT OF FINANCIAL SERVICES

Division of Rehabilitation and Liquidation  
[www.floridainsurancereceiver.org](http://www.floridainsurancereceiver.org)

**Si necesita una versión en español de este aviso, visite el sitio web de la  
División de Rehabilitación y Liquidación [www.myfloridacfo.com/Receiver](http://www.myfloridacfo.com/Receiver).**  
(If you need a Spanish version of this notice, visit the Receiver's website at [www.myfloridacfo.com/Receiver](http://www.myfloridacfo.com/Receiver))

## **NOTICE TO FLORIDA AGENT OR BROKER – March 16, 2011**

### **Regarding the Liquidation of AequiCap Insurance Company**

On March 7, 2011, AequiCap Insurance Company was ordered liquidated by the Second Judicial Circuit Court in Leon County, Florida. The Florida Department of Financial Services was previously appointed as Receiver of AequiCap for purposes of rehabilitation on February 28, 2011. Unfortunately, the company's financial condition prohibited any realistic chance for a successful rehabilitation. A copy of the liquidation order for AequiCap is available on the Receiver's website, [www.myfloridacfo.com/Receiver](http://www.myfloridacfo.com/Receiver).

The Receiver is sending this notice of the receivership proceedings to all of the AequiCap agents of record in order to provide them with information to better assist them in advising the AequiCap policyholders who are their clients. **As you are an agent of record, you are advised that the liquidation order significantly affects the company's policyholders and legally imposes certain obligations on you. The Florida Department of Financial Services, as Receiver of AequiCap expects you to contact your policyholder clients and assist them with any questions they may have regarding the receivership proceeding.**

**As agent for AequiCap and pursuant to Section 631.341, Florida Statutes, you are also expected to provide a written notice of the receivership, by registered or certified mail, to policyholders whose policy has not been replaced or reinsured with a solvent authorized insurer. A copy of Section 631.341, Florida Statutes, is found at the end of this notice. At this time, the Receiver intends to send a notice of the liquidation proceedings to each of the AequiCap policyholders. Please note, however, that you are still responsible for providing notice to policyholders under Section 631.341, Florida Statutes. When providing notice of the March 7, 2011 liquidation to AequiCap's Florida policyholders, you should inform them that:**

- **AequiCap's insurance policies are cancelled effective 12:01 a.m. on April 6, 2011, unless otherwise terminated prior to that date**
- **The claims filing deadline for filing claims in the AequiCap receivership proceeding is 11:59:59 p.m. on March 7, 2012; and**

- **The deadline for pursuing any claims with the Florida Insurance Guaranty Association is March 7, 2013.**

**POLICY CANCELLATION:** AequiCap primarily wrote commercial auto and workers' compensation insurance coverage. The company was licensed in four states – Florida, Georgia, Oklahoma, and South Carolina – and had approximately 2,332 in-force policies as of the liquidation. **Under the liquidation order, all AequiCap policies are cancelled effective 12:01 a.m. on April 6, 2011, unless otherwise terminated prior to that date.** Upon liquidation, the property and casualty insurance policies of the Florida policyholders are covered by the Florida Insurance Guaranty Association. The workers' compensation policies of the Florida policyholders are covered by the Florida Workers' Compensation Insurance Guaranty Association. See below for further details.

**PREMIUM ISSUES:** In accordance with Section 631.155, Florida Statutes and paragraph S on page 7 of the AequiCap Liquidation Order, all premiums and unearned commissions you collected on behalf of AequiCap must be accounted for and paid directly to the Receiver within 30 days. No agent, broker, premium finance company or other person may use premium monies owed to AequiCap for refund of unearned premium or for any purpose other than payment to the Receiver. Violation constitutes contempt of Court. You have the right to appear before the Court and show cause if you feel that you are not required to account to the Receiver.

Until further notice, please remit premiums and unearned commissions to AequiCap as normal.

**Premium Refunds/Unearned Premium (Florida policyholders only):**

- **Property and Casualty Policies:** The Florida Insurance Guaranty Association (“FIGA”) will pay unearned premium claims after the Receiver completes its processing of the policy records and sends the unearned premium records to FIGA. A \$100 statutory deductible will be taken from the amount owed.
- **Workers' Compensation Policies:** The Florida Workers' Compensation Insurance Guaranty Association (“FWCIGA”) will pay certain unearned premium claims, in accordance with Florida Statutes, after the Receiver completes its processing of the policy records and sends the unearned premium records to FWCIGA. For unearned premium claims, FWCIGA's obligation is limited to \$50,000 and covers only policies in force on the date of liquidation. No statutory deductible applies to unearned premium claims on these workers' compensation policies.

**CLAIMS ISSUES (FOR LOSSES INCURRED PRIOR TO 12:01 A.M. ON APRIL**

**6, 2011):** All policyholders should be informed that the deadline for filing claims in the AequiCap receivership is 11:59:59 p.m. on March 7, 2012. Information regarding the method for filing a claim in the receivership proceeding will be available on the Receiver's website, [www.myfloridacfo.com/Receiver](http://www.myfloridacfo.com/Receiver).

**FOR PROPERTY & CASUALTY CLAIMS OF FLORIDA POLICYHOLDERS:**

With the entry of the liquidation order, the Florida Insurance Guaranty Association (“FIGA”) has been activated to help pay outstanding claims for property and casualty policies. The processing and payment of pending covered claims will be made by FIGA (subject to the lesser of policy limits or FIGA's maximum cap). The maximum amount FIGA will cover is \$300,000. No claim will be paid in excess of this cap. All claims are subject to a \$100 deductible over and above any deductible identified in the AequiCap policy. A policyholder may file a claim with the Receiver for the \$100 deductible and for amounts over the cap. For additional general information regarding FIGA, please visit the guaranty association's website at [www.figafacts.com](http://www.figafacts.com). Per Section 631.68, Florida Statutes, the deadline for settling a claim or filing suit against FIGA is March 7, 2013 (i.e., one year after the Receiver's claim filing deadline).

**FOR WORKERS' COMPENSATION CLAIMS OF FLORIDA POLICYHOLDERS:**

With the entry of the liquidation order on AequiCap, the Florida Workers' Compensation Insurance Guaranty Association ("FWCIGA") has been activated to help pay outstanding workers' compensation claims. The processing and payment of pending covered claims will be made by FWCIGA subject to policy limits, if any. However, Florida does not limit benefits paid to injured workers and pays 100 percent of the statutorily defined workers' compensation benefits. Pursuant to Section 631.904 (2), Florida Statutes, employer liability claims are limited to the lesser of \$300,000 or policy limits. Additional general information regarding FWCIGA may be found on the guaranty association's website at [www.fwciga.org](http://www.fwciga.org).

**For Claims of Georgia, Oklahoma and South Carolina Policyholders:** With the entry of the liquidation order, the respective states' guaranty associations are activated to help pay outstanding claims for property and casualty policies. The processing and payment of pending claims will be made in accordance with the respective state statutes. A separate notice is being sent to AequiCap's agents and policyholders in those states.

**PLEASE NOTE REGARDING CLAIMS PAYMENTS:** The Receiver is currently gathering claim files and claim data in order to forward the information to the appropriate guaranty association. As a result, there may be a slight delay in claim processing during this transitional period. Please continue to contact AequiCap using the contact information below to check the status of an existing claim and/or to file a new claim. The Receiver's website, [www.myfloridacfo.com/Receiver](http://www.myfloridacfo.com/Receiver), will be updated once the transition is completed. At that time, new contact information will be posted to assist policyholders in filing a new claim or in following up on a pending claim.

**CONSUMER/CLAIMS CALLS:** Until further notice, consumers with questions regarding AequiCap should continue to visit the company's website at [www.aequicap.com](http://www.aequicap.com) or contact the company directly as follows:

**AequiCap Insurance Company – Direct Contact Information:**

**General Information:** 855-256-7700  
Email: [marketing@aequicap.com](mailto:marketing@aequicap.com)

**Auto Claims:**  
AequiCap Claim Services (Auto): 855-254-1122  
Fax: (954)529-2100  
Email: [claims@aequicap.com](mailto:claims@aequicap.com)

**Truck/Taxi Underwriting:** 855-254-1122  
Fax: (954)529-2000  
Email: [trucks@aequicap.com](mailto:trucks@aequicap.com)  
Email: [taxis@aequicap.com](mailto:taxis@aequicap.com)

**CONTACTING THE RECEIVER:**

Please contact the Receiver by using the "Contact Us" form at the Receiver's website, [www.myfloridacfo.com/Receiver](http://www.myfloridacfo.com/Receiver) if you have any non-claims related questions regarding the receiverships (for claims questions, please refer to the phone numbers provided under Claims Issues). You may also contact the Florida Department of Financial Services, as Receiver, at (850) 413-3081 or toll free at 1-800-882-3054 (in Florida only).

Your anticipated cooperation and assistance in these matters is greatly appreciated.

## **Section 631.341, Florida Statutes (2010)**

631.341 Notice of insolvency to policyholders by insurer, general agent, or agent.—

(1) The receiver shall, immediately after appointment in any delinquency proceeding against an insurer in which the policies have been canceled, give written notice of such proceeding to each general agent and licensed agent of the insurer in this state. Each general agent and licensed agent of the insurer in this state shall forthwith give written notice of such proceeding to all subagents, producing agents, brokers, and service representatives writing business through such general agent or licensed agent, whether or not such subagents, producing agents, brokers, and servicing representatives are licensed or permitted by the insurer and whether or not they are operating under a written agency contract.

(2) Unless, within 15 days subsequent to the date of such notice, all agents referred to in subsection (1) have either replaced or reinsured in a solvent authorized insurer the insurance coverages placed by or through such agent in the delinquent insurer, such agents shall then, by registered or certified mail, send to the last known address of any policyholder a written notice of the insolvency of the delinquent insurer.

(3) The license, permit, or certificate of authority of any person, firm, or corporation which fails to comply with the provisions of this section is subject to revocation as otherwise provided by law.

(4) If such person, firm, or corporation is not licensed or permitted or the holder of a certificate of authority under any section of this code, such person, firm, or corporation, or the officers and directors thereof, are, upon failure to comply with the provisions of this section, guilty of a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or by a fine of not more than \$5,000.

History.—s. 750, ch. 59-205; s. 15, ch. 70-27; s. 809(1st), ch. 82-243; s. 24, ch. 83-38; ss. 187, 188, ch. 91-108; s. 4, ch. 91-429; s. 68, ch. 2002-206.