



## FLORIDA DEPARTMENT OF FINANCIAL SERVICES

Division of Rehabilitation and Liquidation  
[www.myfloridacfo.com/division/receiver](http://www.myfloridacfo.com/division/receiver)

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

### **NOTICE TO AGENT OR BROKER – December 30, 2019**

#### **Regarding the Liquidation of Windhaven Insurance Company** **Effective January 6, 2020**

On December 12, 2019, Windhaven Insurance Company (“Windhaven”) was ordered into receivership for purposes of rehabilitation by the Second Judicial Circuit Court in Leon County, Florida. The Florida Department of Financial Services (“Department”) is the court appointed Receiver of Windhaven. On December 30, 2019, the Court entered an order liquidating Windhaven effective on January 6, 2020. A copy of the liquidation order for Windhaven is available on the Department’s website, [www.myfloridacfo.com/division/receiver](http://www.myfloridacfo.com/division/receiver).

As an agent for Windhaven and pursuant to Section 631.341, Florida Statutes, you are required to provide a written notice of the receivership, by registered or certified mail, or by email with delivery receipt required, to the last known address of policyholders whose policy has not been replaced or reinsured with a solvent authorized insurer within 15 days of this notice. A copy of Section 631.341, Florida Statutes, is found at the end of this notice. When providing notice of the liquidation to Windhaven policyholders, you should inform them that:

- Windhaven insurance policies are cancelled effective **12:01 a.m. February 5, 2020**, unless otherwise terminated prior to that date.
- The Florida Insurance Guaranty Association (“FIGA”) will pay covered unearned premium claims, after the Department completes its processing of the policy records and sends the unearned premium records to FIGA. A \$100 statutory deductible will be applied to the refund.
- With the entry of the liquidation order, FIGA was activated to help pay outstanding claims for Windhaven 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 deadline for filing claims in the Windhaven receivership is **January 6, 2021**. A policyholder may file a claim in the Windhaven receivership for the \$100 statutory deductible which applies to the claim payments, for amounts over the FIGA coverage cap or for other claims not covered by FIGA.
- Information regarding the method for filing a claim in the receivership proceeding will be available on the Department’s website <https://www.myfloridacfo.com/division/receiver/>.

**PREMIUM COLLECTION:** In accordance with Section 631.155, Florida Statutes, and paragraph 23 on page 8 of the Windhaven liquidation order, all premiums and unearned commissions you collected on behalf of Windhaven must be accounted for and paid directly to the Department within 20 days of demand by the

Department. No agent, broker, premium finance company or other person may use premium monies owed to Windhaven for refund of unearned premium or for any purpose other than payment to the Department.

**CONTACT INFORMATION (Policies and Claims):**

- Policy Customer Service [\(866\) 721-6795](tel:8667216795)
- To Report A New Claim [\(866\) 595-4080](tel:8665954080)
- To Discuss an Existing Claim [\(800\) 919-9114](tel:8009199114)

**CONTACTING THE DEPARTMENT:**

If you have receivership questions unrelated to policies or claims, please visit the Department's website at [www.myfloridacfo.com/division/receiver](http://www.myfloridacfo.com/division/receiver). You also may contact the Department by email at [Consumer.Services@myfloridacfo.com](mailto:Consumer.Services@myfloridacfo.com) or by calling (800) 882-3054 (Florida only) or (850) 413-3081 (outside of Florida).

**Section 631.341, Florida Statutes**

**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, or by e-mail with delivery receipt required, 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; s. 16, ch. 2015-180.