FLORIDA DEPARTMENT OF FINANCIAL SERVICES

Division of Rehabilitation and Liquidation
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.
(If you need a Spanish version of this notice, visit the Receiver's website at www.myfloridacfo.com/division/receiver)

NOTICE TO AGENT OR BROKER – April 15, 2021

Regarding the Liquidation of American Capital Assurance Corp ("AmCap")

On April 14, 2021, American Capital Assurance Corp ("AmCap") was ordered liquidated by the Second Judicial Circuit Court in Leon County, Florida. The Florida Department of Financial Services ("Department") is the court appointed Receiver of AmCap. A copy of the liquidation order for AmCap is available on the Department's website, www.myfloridacfo.com/division/receiver.

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

As agent for AmCap 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. A copy of Section 631.341, Florida Statutes, is found at the end of this notice. When providing notice of the liquidation to AmCap's policyholders, you should inform them that:

- With the exception of the flood insurance coverage issued by AmCap, the company's insurance policies are cancelled effective **May 14, 2021,** unless otherwise terminated prior to that date.
- The deadline for filing claims in the AmCap receivership proceeding is **October 14, 2021.**

POLICY CANCELLATION: AmCap wrote commercial multi-peril and allied lines coverage in Florida, Georgia, Louisana, North Carolina, South Carolina and Texas. The company has approximately 2,300 in-force policies. In accordance with the liquidation order, with the exception of Flood insurance coverage issued by AmCap, all insurance policies issued by AmCap are cancelled effective **May 14, 2021,** unless otherwise terminated prior to that date.

PREMIUM COLLECTION: In accordance with Section 631.155, Florida Statutes, and paragraph 19 on page 4 of the AmCap Liquidation Order, all premiums and unearned commissions collected by Agents or Brokers on behalf of AmCap must be accounted for and paid directly to the Department within 30 days. No agent, broker, premium finance company or other person may use premium monies owed to AmCap for refund of unearned premium or for any purpose other than payment to the Department.

CLAIMS FOR LOSSES INCURRED PRIOR TO May 14, 2021:

There is a process in place for payment of covered claims incurred before May 14, 2021. Your state's insurance guaranty association was activated to help pay outstanding claims for AmCap policies. The processing and payment of pending covered claims will be made by the applicable state insurance guaranty association.

Florida Insurance Guaranty Association, "FIGA", https://figafacts.com/

Georgia Insurers Insolvency Pool, "GIIP", https://www.gaiga.org/

Louisiana Insurance Guaranty Association - https://www.laiga.org/

North Carolina InsuranceGuarantyAssociation - http://www.ncrb.org/nciga/

South Carolina Insurance Guaranty Association - http://www.scguaranty.com/

Texas Property and Casualty Insurance Guaranty Association - http://www.tpciga.org/

The deadline for filing claims in the AmCap receivership is October 14, 2021.

AmCap Information regarding the method for filing a claim in the receivership proceeding will be available on the Department's website.

PROCESS FOR PAYMENT OF CLAIMS: The Department is currently gathering claim files and claim data to forward the information to your state's insurance guaranty association. As a result, there may be a slight delay in claim processing during this transitional period. Please continue to contact AmCap using the contact information below to check the status of an existing claim and/or to file a new claim. The Department's website, www.myfloridacfo.com/division/receiver, will be updated once the transition is completed.

CONSUMER/CLAIMS CALLS:
Consumers with questions regarding AmCap should contact the company directly at:

Claims (833) 652-5246
Flood Claims (888) 481-1126
General contact for company (800) 591-0535

CONTACTING THE DEPARTMENT:
If you have any non-claims related questions regarding the receivership, please visit the Department's website at www.myfloridacfo.com/division/receiver. You also may contact the Department at Consumer.Services@myfloridacfo.com or by calling (800) 882-3054 or (850) 413-3081.

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.