

Targeted Market Conduct Examination Report

Safepoint Insurance Company

NAIC Company Code: 15341

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Executive Summary

The Florida Office of Insurance Regulation (“OIR”) performed a targeted market conduct examination of Safepoint Insurance Company (“Safepoint” or “Company”) pursuant to Section 624.3161, Florida Statutes (“F.S.”).

Purpose and Scope of the Examination

OIR has primary responsibility for the regulation, compliance and enforcement of statutes related to the business of insurance and the monitoring of industry markets. Due to this responsibility, OIR conducted a targeted market conduct examination of Safepoint pursuant to Section 624.3161, F.S. The purpose of a market conduct examination is to review an insurer’s operating practices to determine if they comply with the Florida Insurance Code, rules related to the business of insurance, procedures adopted by the Company, the provisions contained within a contract of insurance issued by the Company or orders issued by OIR. A common element of all market conduct examinations is to evaluate an insurer’s business practices, promote the protection of insurance-buying consumers, and to hold insurers accountable when issues or violations are identified.

This examination was initiated to review and evaluate Safepoint’s Hurricane Ian and Hurricane Idalia claims-handling operations. The examination scope period was from September 28, 2022, to December 31, 2023, for Hurricane Ian claims, and from August 30, 2023, to December 31, 2023, for Hurricane Idalia claims. The examination was performed by a contracted examination firm, INS Regulatory Insurance Services, Inc. The examination began January 16, 2024, and ended August 29, 2024. This is the first Market Conduct examination of Safepoint. In reviewing materials for this report, the examiners relied on records provided by the Company.

Examination Procedures

The conduct of this examination and the procedures, statistical sampling, and examination processes used were consistent with and in accordance with those standards and procedures contained in the *Market Regulation Handbook* promulgated by the National Association of Insurance Commissioners (“NAIC”). The number of randomly selected items in each sample is consistent with the recommended sample size in the *Market Regulation Handbook’s* Acceptance Samples Table. Examination results with a 95% confidence level permit those results to be extrapolated to the population identified in each of the areas examined.

In preparation for the examination, Safepoint was requested to provide the total number, or universe, of Hurricane Ian and Hurricane Idalia claims reported with a Florida exposure during the examination’s scope periods. The claims universe for each hurricane was divided into three categories: claims closed with payment, claims closed without payment, and reopened or supplemental claims. For the purposes of this examination, the selection of claims reviewed for each of the categories was defined as follows:

- **Claims Closed With Payment:** The first or initial Hurricane claim filed by the named insured, policyholder, or legal representative due to a loss occurring to a personal residential or commercial residential risk that was closed with payment during the examination’s scope periods.

- **Claims Closed Without Payment:** The first or initial Hurricane claim filed by the named insured, policyholder, or legal representative due to a loss occurring to a personal residential or commercial residential risk that was closed without payment for any reason during the examination's scope periods.
- **Reopened or Supplemental Claims:** The first or initial claim filed by the named insured, policyholder, or legal representative due to a loss occurring to a personal residential or commercial residential risk that was closed for any reason and that was reopened or was a supplemental claim upon request for additional costs for loss or damage previously disclosed to the insurer.

Company Profile

Safepoint Insurance Company is a domestic property and casualty insurer authorized to conduct business in Florida on November 21, 2013. Safepoint is authorized to write Homeowners Multi-Peril, Commercial Multi-Peril, Inland Marine, Private Passenger Auto Liability, Commercial Automobile Liability, PPA Physical Damage, Commercial Auto Physical Damage, Fidelity, Surety, Boiler and Machinery, and Burglary and Theft insurance.

Examination Findings

Hurricane Ian Claims

The following Findings are compiled from the examiners' review of Safepoint's Hurricane Ian claims that were adjudicated during the examination scope period of September 28, 2022, to December 31, 2023.

Claims Closed With Payment: Safepoint identified a universe of 3,099 residential property Hurricane Ian claims that were closed with payment during the examination scope period. A random sample of 107 claims was selected and reviewed by the examiners.

Claims Closed Without Payment: Safepoint identified a universe of 1,094 residential property Hurricane Ian claims that were closed without payment during the examination scope period. A random sample of 105 claims was selected and reviewed by the examiners.

Reopened or Supplemental Claims: Safepoint identified a universe of 770 residential property Hurricane Ian claims that were reopened during the examination scope period. A random sample of 83 claims was selected and reviewed by the examiners.

Finding 1: The examiners determined that in 14 instances out of 295 claims reviewed, an error rate of 4.7%, Safepoint utilized adjusters who were not properly appointed, as required by Section 626.112(1)(a), F.S.

Finding 2: The examiners determined that in one instance out of 295 claims reviewed, an error rate of 0.3%, Safepoint did not acknowledge receipt of claims communications within 14 calendar days, as required by Section 627.70131(1)(a), F.S. (2022)¹.

¹ Section 627.70131, F.S. (2023), has reduced 14-day timeframes to 7 days, 45-day timeframes to 30 days, and 90-day timeframes to 60 days. Other additions and deletions were also made to the law.

Finding 3: The examiners determined that in 26 instances out of 295 claims reviewed, an error rate of 8.8%, Safepoint did not include the license number of the adjuster communicating about the claim in a subsequent communication with the policyholder regarding the claim, as required by Section 627.70131(3)(c), F.S.

Finding 4: The examiners determined that in 29 instances out of 295 claims reviewed, an error rate of 9.8%, Safepoint did not, when providing a preliminary or partial estimate of damage regarding a claim, include with the estimate the disclosure statement, as required by Section 627.70131(6)(a), F.S.

Finding 5: The examiners determined that in one instance out of 295 claims reviewed, an error rate of 0.3%, Safepoint did not, when providing a payment on a claim that was not the full and final payment, include with the payment the disclosure statement, as required by Section 627.70131(6)(b), F.S.

Finding 6: The examiners determined that in 22 instances out of 295 claims reviewed, an error rate of 7.5%, Safepoint did not, within 90 days, pay or deny initial, supplemental, or reopened claims, as required by Section 627.70131(7)(a), F.S.

Finding 7: The examiners determined that in one instance out of 295 claims reviewed, an error rate of 0.3%, Safepoint did not pay interest when the claim payment was made more than 90 days after receiving notice of the claim, or more than 15 days after there were no longer factors beyond the control of the insurer which reasonably prevented such payment, as required by Section 627.70131(7)(a), F.S. (2022).

Finding 8: The examiners determined that in 25 instances out of 295 claims reviewed, an error rate of 8.5%, Safepoint did not return all telephone messages by the end of the same business day, as required by Safepoint's claims-handling manual dated April 24, 2020.

Finding 9: The examiners determined that in nine instances out of 295 claims reviewed, an error rate of 3.1%, Safepoint did not make telephone contact with the policyholder within 24 hours from the time the field services representative or desk examiner received the assignment, as required by Safepoint's claims-handling manual dated April 24, 2020.

Finding 10: The examiners determined that in seven instances out of 295 claims reviewed, an error rate of 2.4%, Safepoint did not inspect the loss within 72 hours after initial contact with the policyholder, as required by Safepoint's claims-handling manual dated April 24, 2020.

Hurricane Idalia Claims

The following Findings are compiled from the examiners' review of Safepoint's Hurricane Idalia claims that were adjudicated during the examination scope period August 30, 2023, to December 31, 2023.

Claims Closed With Payment: Safepoint identified a universe of 23 residential property Hurricane Idalia claims that were closed with payment during the examination scope period. The entire universe of 23 claims was reviewed by the examiners.

Claims Closed Without Payment: Safepoint identified a universe of 25 residential property Hurricane Idalia claims that were closed without payment during the examination scope period. The entire universe of 25 claims was reviewed by the examiners.

Reopened or Supplemental Claims: Safepoint identified a universe of one residential property Hurricane Idalia claims that was reopened during the examination scope period. The entire universe of one claim was reviewed by the examiners.

Finding 1: The examiners determined that in nine instances out of 49 claims reviewed, an error rate of 18.4%, Safepoint did not include the license number of the adjuster communicating about the claim in a subsequent communication with the policyholder regarding the claim, as required by Section 627.70131(3)(c), F.S.

Finding 2: The examiners determined that in eight instances out of 49 claims reviewed, an error rate of 16.3%, Safepoint did not send the policyholder a copy of any detailed estimate of the amount of the loss within seven days after the estimate was generated by an insurer's adjuster, as required by Section 627.70131(3)(e), F.S.

Finding 3: The examiners determined that in 11 instances out of 49 claims reviewed, an error rate of 22.4%, Safepoint did not, when providing a preliminary or partial estimate of damage regarding a claim, include with the estimate the disclosure statement, as required by Section 627.70131(6)(a), F.S.

Finding 4: The examiners determined that in two instances out of 49 claims reviewed, an error rate of 4.1%, Safepoint did not, within 60 days, pay or deny initial, supplemental, or reopened claims, as required by Section 627.70131(7)(a), F.S.

Finding 5: The examiners determined that in one instance out of 49 claims reviewed, an error rate of 2.0%, Safepoint did not pay interest when the claim payment was made more than 60 days after receiving notice of the claim, or after the expiration of any additional timeframe provided to pay or deny a claim or a portion of a claim made pursuant to an order of the office finding factors beyond the control of the insurer, as required by Section 627.70131(7)(a), F.S.

Finding 6: The examiners determined that in two instances out of 49 claims reviewed, an error rate of 4.1%, Safepoint did not inspect the loss within 48 hours after initial contact with the policyholder, as required by Safepoint's claims-handling manual dated July 31, 2023.

Finding 7: The examiners determined that in one instance out of 49 claims reviewed, an error rate of 2.0%, Safepoint did not make telephone contact with the policyholder within 24 hours from the time the field services representative or desk examiner received the assignment, as required by Safepoint's claims-handling manual dated July 31, 2023.

Claims-Handling Manual

OIR conducted a review of Safepoint's claims-handling manual for compliance with Section 627.4108(1), F.S., that requires each authorized residential property insurer conducting business in Florida to create and use a claims-handling manual. Specifically, each claims-handling manual must include guidelines and procedures for:

- Initially receiving and acknowledging initial receipt of the claim and reviewing and evaluating the claim;
- Communicating with policyholders, beginning with the receipt of the claim and continuing until closure of the claim;
- Setting the claim reserve;
- Investigating the claim, including conducting inspections of the property that is the subject of the claim;
- Making preliminary estimates and estimates of the covered damages to the insured property and communicating such estimates to the policyholder;
- The payment, partial payment, or denial of the claim and communicating such claim decision to the policyholder;
- Closing claims; and
- Any aspect of the claims-handling process which OIR determines should be included in the claims-handling manual in order to:
 - Comply with the laws of this state or rules or orders of OIR or department;
 - Ensure that the claims-handling manual, at a minimum, comports with usual and customary industry claims-handling guidelines; or
 - Protect policyholders of the insurer or the general public.

No exceptions were noted.

Section 627.4108(3), F.S, requires each authorized residential property insurer to certify and attest on the prescribed form that:

- Each of the insurer’s current claims-handling manuals complies with the requirements of this code and comports to, at a minimum, usual and customary industry claims-handling practices; and
- The insurer maintains adequate resources available to implement the requirements of each of its claims-handling manuals at all times, including during natural disasters and catastrophic events.

The attestations are required to be submitted to OIR:

- On or before August 1, 2023; and
- Annually thereafter, on or before May 1 of each calendar year.

No exceptions were noted.

Conclusion

This targeted market conduct examination of Safepoint Insurance Company was designed to review and evaluate Safepoint’s Hurricane Ian and Hurricane Idalia claims-handling operations. It does not document what regulatory or administrative action may be taken by OIR.

Examination Final Report Submission

OIR hereby issues this final report based upon information from the draft report, additional research conducted by OIR, and additional information provided by the Safepoint Insurance Company.



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