FILED

DEC 23 2025

INSURANCE REGULATION
Docketed by: A.M.Y.

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

Index: OIR 25-246

IN THE MATTER OF:

CASE NO.: 402326-25-CO

CAPACITY INSURANCE COMPANY
_____/

NINTH CONSENT ORDER
EXTENDING PERIOD OF PUBLIC ADMINISTRATIVE SUPERVISION

THIS CAUSE came for consideration as a result of discussions between the FLORIDA OFFICE OF INSURANCE REGULATION ("OFFICE") and CAPACITY INSURANCE COMPANY ("CAPACITY") subsequent to entering into a consent order placing it in public administrative supervision for a period of 120 days in Consent Order 307008-23-CO ("Supervision Order"), which was filed on March 3, 2023. Prior to the expiration of that 120-day period, the parties agreed to a 120-day extension in Consent Order 312190-23-CO, a second 120-day extension in Consent Order 317178-23-CO, a third 120-day extension in Consent Order 323526-24-CO, a fourth 120-day extension in Consent Order 328800-24-CO, a fifth 120-day extension in Consent Order 400480-24-CO, a sixth 60-day extension in Consent Order 400939-25-CO, a seventh 60-day extension in Consent Order 401106-25-CO, and an eighth 120-day extension in Consent Order 401891-25-CO. Following a complete review of the entire record, and upon consideration thereof, and otherwise being fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter and the parties herein.

2. CAPACITY is a domestic property and casualty insurer authorized to transact insurance business in Florida through a Certificate of Authority issued by the OFFICE, pursuant

to chapter 624, Part III, Florida Statutes.[1]

3. Paragraph 6 of the Supervision Order states as follows:

> 6. CAPACITY has been cooperative with the OFFICE and agrees to be placed under administrative supervision for a period of 120 days from the date of execution of this Consent Order and to be subject to the provisions of Sections 624.80-.87, Florida Statutes, as if an order were issued by the OFFICE. Such administrative supervision may be extended in 60-day increments at the OFFICE's sole discretion for as long as is necessary for the company to effectuate a smooth transition and orderly wind-down of its remaining policies and liabilities. All terms of the transition and wind-down of business are to be included in a Runoff plan ("Plan"), which is subject to the OFFICE's approval.

4. Administrative supervision of CAPACITY is currently set to expire on December 27, 2025.

5. Section 624.81(8) provides that the OFFICE "may extend the supervision in increments of 60 days or longer...if conditions justifying supervision exist." The OFFICE has determined that grounds exist to extend the period of administrative supervision of CAPACITY.

6. As of the date of the execution of this Consent Order, CAPACITY agrees that conditions exist that necessitate an additional period of administrative supervision.

7. CAPACITY hereby consents to an additional period of administrative supervision of 120 days from the date of execution of this Consent Order.

8. CAPACITY hereby knowingly and voluntarily waives the requirement of written notice under section 624.81(1), and agrees that any timelines outlined in this Consent Order will be binding, notwithstanding any timelines provided for in section 624.81.

9. CAPACITY agrees that all terms of the Supervision Order shall apply and remain in full force and effect, except as superseded by this Consent Order.

10. Any prior orders, consent orders, or corrective action plans that CAPACITY has

[1] All statutory references contained herein refer to Florida Statutes (2025), unless otherwise noted.

entered into with the OFFICE prior to the execution of this Consent Order shall apply and remain in full force and effect for CAPACITY, except where provisions of such orders, consent orders, or corrective action plans have expired, other than the Supervision Order as indicated above in paragraph 3; have been superseded by subsequent orders, consent orders, or corrective action plans; or are inconsistent with this Consent Order.

11. Any deadlines, reporting requirements, other provisions, or requirements set forth in this Consent Order may be altered or terminated by written approval of the OFFICE. Such approval must be requested in writing prior to any proposed deviation from the terms of this Consent Order.

12. CAPACITY agrees that, upon execution of this Consent Order, failure to adhere to one or more of the terms and conditions contained herein may result, without further proceedings, in the OFFICE suspending, revoking, or taking other administrative action as it deems appropriate upon CAPACITY's Certificate of Authority in this state in accordance with sections 120.569(2)(n) and 120.60(6).

13. CAPACITY affirms that all representations made herein are true and all requirements set forth herein are material to the issuance of this Consent Order.

14. CAPACITY agrees that it has entered into this Consent Order voluntarily, without coercion from the OFFICE, or any agent, employee, or designee of the OFFICE, and that CAPACITY has obtained legal counsel prior to entering into this Consent Order.

15. In accordance with section 624.87, CAPACITY agrees to pay to the OFFICE all expenses of supervision incurred subsequent to the date of execution of this Consent Order.

16. Except as provided in paragraph 15 above, each party to this action shall bear its own costs and fees.

17. CAPACITY expressly waives a hearing in this matter, the making of findings of fact

and conclusions of law by the OFFICE, and all further and other proceedings herein to which it may be entitled by law or rules of the OFFICE. CAPACITY hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order in any forum available to it, now or in the future, including the right to any administrative proceeding, state or federal court action, or any appeal.

18. The parties agree that this Consent Order shall be deemed to be executed when the OFFICE has signed a copy of this Consent Order bearing the notarized signature of the authorized representative of CAPACITY.

WHEREFORE, because the FLORIDA OFFICE OF INSURANCE REGULATION has determined that conditions justifying administrative supervision continue to exist, the administrative supervision of CAPACITY INSURANCE COMPANY is hereby extended for 120 days from the date of execution of this Consent Order. All other provisions of Consent Orders 307008-23-CO, 312190-23-CO, 317178-23-CO, 323526-24-CO, 328800-24-CO, 400480-24-CO, 400939-25-CO, and 401891-25-CO, remain unchanged by this Consent Order.

FURTHER, all terms and conditions contained herein are hereby ORDERED.

DONE and ORDERED this 23 day of December, 2025.

Michael Yaworsky, Commissioner
Office of Insurance Regulation

By execution hereof, CAPACITY INSURANCE COMPANY consents to entry of this Consent Order, agrees without reservation to all the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that they have the authority to bind CAPACITY INSURANCE COMPANY to the terms and conditions of this Consent Order. The undersigned also certifies that they have provided the signature below voluntarily and without coercion, based upon the assistance of legal counsel for CAPACITY INSURANCE COMPANY.

CAPACITY INSURANCE COMPANY

By: Joseph Kurtz

[Corporate Seal]

Print Name: Joseph Kurtz

Title: Assistant Secretary

Date: 12/19/2025

STATE OF Nevada

COUNTY OF Clark

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 19th day of December 2025, by Joseph Kurtz (name of person) as Assistant Secretary (type of authority; e.g., officer, trustee, attorney in fact) for Capacity Insurance Company (company name).

NORMA JEAN BECKER
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 23-6475-01
Expires September 20, 2026
Online Notary Center

(Signature of the Notary)

Norma Jean Becker

(Print, Type or Stamp Commissioned Name of Notary)

Personally Known _____ OR Produced Identification X

Type of identification produced Driver's License

My Commission Expires 09/20/2026

Notarial Act performed by Audio-Video Communication.

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