The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 130

INTRODUCER: Senator Hays

SUBJECT: Florida Catastrophic Storm Risk Management Center

DATE: February 16, 2015 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow	Knudson	BI	**Favorable**
2.	Stearns	Yeatman	CA	**Favorable**
3.			AP	

I. Summary:

SB 130 requires the State Board of Administration to transfer a portion of the investment income from the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center. The transfer is to begin during the 2015-2016 fiscal year. The amount transferred for each fiscal year is to be the lesser of $1 million or 35 percent of the fund's investment income minus $10 million, based on the fund's most recent fiscal year-end audit. The amount transferred must be used for the center's statutory purpose of supporting the state's ability to prepare for, respond to, and recover from catastrophic storms.

II. Present Situation:

Florida Catastrophic Storm Risk Management Center

The Florida Catastrophic Storm Risk Management Center (Center) was created by the Florida Legislature in 2007.[1] The Center is located at the Department of Risk Management/Insurance, Real Estate & Legal Studies at the Florida State University College of Business. The focus of the Center is to support the state's ability to prepare for, respond to, and recover from catastrophic storms. Specifically, the Center:

- Coordinates and disseminates research efforts that are expected to have an immediate impact on policy and practices related to catastrophic storm preparedness.
- Coordinates and disseminates information related to catastrophic storm risk management, including but not limited to research and information that benefits businesses, consumers and public policy makers.
- Facilitates Florida's preparedness and responsiveness to catastrophic storms and collaborates with other public and private institutions.

[1] Ch. 2007-90, s. 24, L.O.F. (creating s. 1004.647, F.S., effective June 11, 2007).

- Creates and promotes studies that enhance the educational options available to risk management and insurance students.
- Publishes and disseminates findings primarily related to risk management.
- Organizes and sponsors conferences, symposia and workshops to educate consumers and policymakers.

In previous years the Center has received its funding by way of transfer from the Insurance Regulatory Trust Fund. The transfer of such funds were authorized in the state's yearly budget approved by both House and Senate and signed by the Governor. In fiscal year 2012-2013[2] the amount transferred to fund the operations of the Center was $350,000. In fiscal year 2013-2014[3] the amount transferred was $750,000, but included an additional requirement that the Center study and report to the Legislature alternative methods for managing the size of the Florida Hurricane Catastrophe Fund.[4] In fiscal year 2014-2015 the amount transferred to the Center was $1.5 million.[5]

The Florida Hurricane Catastrophe Fund (Cat Fund)

The Cat Fund is a tax-exempt fund created in 1993 after Hurricane Andrew and is administered by the State Board of Administration (SBA). The fund provides mandatory reimbursement to property insurers for a selected percentage (45, 75, or 90 percent) of hurricane losses above the insurer's retention (deductible). The Cat Fund affords insurers an additional source of reinsurance that is significantly less expensive than what is available in the private market, enabling insurers to generally write more residential property insurance in the state than would otherwise be written. It is estimated that coverage purchased through the Cat Fund costs insurers one-fourth to one-third what it would cost in the private reinsurance market.[6] There are several reasons for these cost savings, including:[7]

- The Cat Fund operating cost is less than one percent of the annual premium collected, whereas the operating costs for private reinsurance can range from 10 percent to 15 percent of the premium collected.
- The Cat Fund does not pay reinsurance brokerage commissions.
- The Cat Fund has no underwriting costs.
- The Cat Fund is a tax-exempt entity that does not pay federal income taxes or state taxes.
- The Cat Fund has the ability to issue tax-exempt debt which results in lower financing costs should it become necessary to finance losses with revenue bonds.
- The Cat Fund does not include a factor for profit for reinsurance sold by the Cat Fund.
- The Cat Fund does not include a risk load for reinsurance sold by the Cat Fund.

[2] Ch. 2012-118, s. 6, Line 2488A, L.O.F.
[3] Ch. 2013-40, s. 6, Line 2410A, L.O.F.
[4] The center is also directed to produce a report on alternative methods for managing the size of the Florida Hurricane Catastrophe Fund. The center shall coordinate its research efforts with the State Board of Administration. The report shall be submitted to the President of the Senate, Speaker of the House of Representatives, the Governor and Cabinet Officers by December 1, 2013.
[5] Ch. 2014-51, s. 6, Line 2447, L.O.F.
[6] Annual Report of the Florida Hurricane Catastrophe Fund Fiscal Year 2011-2012, p. 16, available at http://www.sbafla.com/fhcf/Home/FHCFReports/tabid/315/Default.aspx (last visited February 5, 2015).
[7] *Id.*

Because of the low cost of reinsurance coverage from the Cat Fund, the fund acts to lower residential property insurance premiums for consumers. The Cat Fund must charge insurers the actuarially indicated premium for the coverage provided, based on hurricane loss projection models found acceptable by the Florida Commission on Hurricane Loss Projection Methodology.

Cat Fund Mandatory Coverage

Each insurance company writing insurance policies covering residential property or any policy covering a residential structure or its contents must participate in the Cat Fund. Residential property is defined in s. 627.4025(1), F.S., to include personal lines and commercial lines residential coverage. This coverage includes the following insurance policies: homeowner, mobile homeowner, dwelling, tenant, condominium unit owner, condominium association, cooperative association, and apartment building.

The Cat Fund is authorized by statute to sell $17 billion of mandatory layer coverage. Each insurer that purchases coverage may receive up to its proportional share of the $17 billion mandatory layer of coverage based upon the insurer's share of the actual premium paid for the contract year, multiplied by the claims paying capacity of the fund. For example, if an insurer paid 10 percent of the total premium paid in a contract-year, then that insurer would be eligible to receive up to 10 percent of the mandatory layer of coverage ($1.7 billion of the $17 billion mandatory layer).

To access the Cat Fund an insurer must have incurred losses above the retention levels calculated and set by statute. Insurers that experience multiple hurricanes causing losses during the contract year may receive reimbursement from the Cat Fund for losses that exceed the applicable retention. The insurer's full retention is applied to each hurricane causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention is only one-third of the full retention. Citizens Property Insurance Corporation is the largest purchaser of Cat Fund coverage.

Cat Fund Premiums

The Cat Fund must charge insurers the "actuarially indicated" premium for the coverage provided, based on hurricane loss projection models found acceptable by the Florida Commission on Hurricane Loss Projection Methodology. The "actuarially indicated" premium is an amount that is adequate to pay current and future obligations and expenses of the fund. In practice, each insurer pays the Cat Fund annual reimbursement premiums that are proportionate to each insurer's share of the Cat Fund's risk exposure. The cost of Cat Fund coverage is significantly lower than the cost of private reinsurance due to the fact that the fund is a tax-exempt non-profit corporation and does not charge a "risk load."

Cat Fund Claims-Paying Resources

The Cat Fund cash balance at year-end 2014 was estimated at $10.936 billion.[8] Assuming no change in FHCF premiums, the 2015 year-end balance would be approximately $12.2 billion.[9] For the contract year beginning June 1, 2015, therefore, the maximum amount of additional borrowing that would be needed in the event of losses equal to or exceeding the Cat Fund's $17 billion limit would be approximately $2.8 billion.[10] The assessment base for the Cat Fund is approximately $37.933 billion for premiums written at year end 2013,[11] enabling the Cat Fund to levy annual assessments of as much as $2.276 billion for one contract year and $3.793 billion for multiple contract years.[12]

Cat Fund Bonding and Assessment Authority

Reimbursements to insurers for losses above the current cash balance of the fund are financed through bonding. When the cash balance of the Cat Fund is insufficient to cover losses, the law authorizes the Cat Fund to issue revenue bonds, which are funded by emergency assessments on property and casualty policyholders. If a large storm triggered the full capacity of the Cat Fund during the 2015 contract year, bond issues totaling over $2.8 billion could be necessary for the fund to meet its maximum obligations.

Bonds would be funded by an emergency assessment of up to 6 percent of premium on most lines of property and casualty insurance for funding losses from a single year, and up to 10 percent of premium for funding losses from multiple years. All lines of property and casualty insurance, including surplus lines insurance, are subject to emergency assessment except for workers' compensation and medical malpractice liability insurance. The Cat Fund's broad-based assessment authority is one of the reasons the Cat Fund was able to obtain an exemption from federal taxation from the Internal Revenue Service as an integral part of state government.

Cat Fund Claims-Paying Capacity Estimates

In May and October of each contract year, the SBA is required to publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity, the fund's estimated claims-paying capacity, and the projected balance of the fund. At the end of each calendar year, the board is required to notify insurers of the estimated borrowing capacity, estimated claims-paying capacity, and the balance of the fund as of December 31, to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes.

[8] Email from CAT Fund staff received January 27, 2015, on file with Banking and Insurance staff.
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] *Id.*

The October 14, 2014, Claims-Paying Capacity Estimate is the most recent such report to be issued. The report, prepared by Raymond James, evaluated the Cat Fund's bonding capacity by analyzing the current financial markets and obtaining written feedback from a senior managing underwriter from four large financial services firms (Barclay's, Citi, Goldman Sachs, and J.P. Morgan).

Bonding capacity (the estimated dollar amount of bonds that could be successfully issued) for a 12-month period is estimated to be $8.3 billion, with an additional $6.5 billion of capacity estimated for months 13-24. These amounts are in excess of the maximum amount of bonding that could have been needed for the 2014-2015 contract year. Claims-paying resources for the 2015-2016 contract year will include these amounts plus additional reimbursement premium revenues of approximately $1.3 billion.[13]

Cat Fund Investments

As of September 30, 2014, the market value of the Cat Fund's investment assets was $12,653,706,790.[14] The SBA investment policy covering the Cat Fund's assets is designed to provide adequate liquidity by using highly liquid short-term investment strategies. Liquidity is a primary concern for the Cat Fund since insurers may file claims weekly, and investment strategies are planned accordingly. The primary investment objective of the Cat Fund's investment policy is defined by the following prioritized goals: liquidity, so that reimbursement to insurers can be paid in a timely manner; safety of principal investment; and competitive returns.

The Cat Fund's investment policy provides for a high level of liquidity such that assets can be converted to cash on a timely basis in order to match insurer loss reimbursement needs. The Cat Fund's portfolios include only short-term, high quality and highly liquid fixed income securities. Permitted fixed income securities and their diversification limits include:
- Corporate debt securities (not more than 50 percent of total portfolio amortized cost);
- U.S. Treasury securities and U.S. Government Agency securities (at least 50 percent of total portfolio amortized costs); and
- Repurchase Agreements collateralized at least 102 percent with U.S. Government, Agency, or Agency Mortgage Backed Securities (not more than 25 percent of total portfolio amortized cost).

The Cat Fund's investment income for the last 10 years totaled $525,315,000.

[13] The precise amount of reimbursement premium will not be determined until after the Cat Fund premium formula is adopted by the SBA Trustees under s. 215.555(5), F.S., and 2015 exposure reports are received from insurers.
[14] Email from CAT Fund staff received January 27, 2015 on file with Banking and Insurance staff.

Cat Fund Investment Income	
Audited Financial Statements (Excludes Finance Corporation)	
Fiscal Year	**Investment Income**
June 30, 2014	$19,174,000
June 30, 2013	$34,638,000
June 30, 2012	$26,634,000
June 30, 2011	$29,983,000
June 30, 2010	$54,298,000
June 30, 2009	$7,803,000
June 30, 2008	$46,816,000
June 30, 2007	$36,065,000
June 30, 2006	$103,105,000
June 30, 2005	$108,672,000
June 30, 2004	$58,127,000
	Total $525,315,000
Source: FHCF Audited Financial Statements[15]	

III. Effect of Proposed Changes:

The bill requires the State Board of Administration to transfer a portion of the investment income from the Florida Hurricane Catastrophe Fund to the Florida Catastrophic Storm Risk Management Center. The funds must solely be used for the center's statutory purpose of supporting the state's ability to prepare for, respond to, and recover from catastrophic storms.[16] In addition, the bill is not intended to limit or supplant any funding otherwise available to the center.

The transfer is to begin during the 2015-2016 fiscal year. The amount transferred is to be the lesser of $1 million or 35 percent minus $10 million of the fund's investment income based on the fund's most recent year-end audit. Based on the Florida Hurricane Catastrophe Fund's Investment Income for the last 5 fiscal years, had the statutory changes in the bill been in law, the funding to the Florida Catastrophic Storm Risk Management Center would have averaged $498,800.00 per year, as demonstrated in the following table:

[15] http://www.sbafla.com/fhcf/Home/AuditedFinancials/tabid/319/Default.aspx (Last visited 1/15/15).
[16] Section 1004.647, F.S.

Florida Hurricane Catastrophe Fund Investment Income[17]		
Audited Financial Statements (Excludes Finance Corporation)		
Fiscal Year	**Investment Income**	**35 percent of Investment Income – ($10,000,000)**
June 30, 2014	$19,174,000	$6,711,000 – ($10,000,000) = **$0** < $1,000,000
June 30, 2013	$34,638,000	$12,123,300 – ($10,000,000) = $2,123,300 > **$1,000,000**
June 30, 2012	$26,634,000	$9,321,900 – ($10,000,000) = **$0** < $1,000,000
June 30, 2011	$29,983,000	$10,494,050 – ($10,000,000) = **$494,000** < $1,000,000
June 30, 2010	$54,298,000	$19,004,300 – ($10,000,000) = $9,004,300 > **$1,000,000**
Five-Year Average		$498,800
Five-Year Total		$2,494,000

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

No more than $1 million per year will be transferred from the Florida Hurricane Catastrophe Fund's investment income to fund the operations of the Florida Catastrophic Storm Risk Management Center.

VI. Technical Deficiencies:

None.

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[17] http://www.sbafla.com/fhcf/Home/AuditedFinancials/tabid/319/Default.aspx (Last visited 1/15/15).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.555 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.