

Financial Statements - Modified Cash Basis  
and Other Financial Information



**Florida Workers' Compensation Insurance Guaranty Association, Inc.**

*Years ended December 31, 2020 and 2019  
with Report of Independent Auditors*



Florida Workers' Compensation Insurance Guaranty Association, Inc.

Financial Statements - Modified Cash Basis  
and Other Financial Information

Years ended December 31, 2020 and 2019

**Contents**

<b>Report of Independent Auditors .....</b>	<b>1</b>
<b>Financial Statements</b>	
Statements of Financial Position - Modified Cash Basis .....	3
Statements of Activities and Changes in Net Assets - Modified Cash Basis .....	4
Statement of Functional Expenses - Modified Cash Basis year ended December 31, 2020.....	5
Statement of Functional Expenses - Modified Cash Basis year ended December 31, 2019.....	6
Notes to Financial Statements - Modified Cash Basis .....	7

## Report of Independent Auditors

The Board of Directors  
Florida Workers' Compensation Insurance Guaranty Association, Inc.

### **Report on the Financial Statements**

We have audited the accompanying financial statements of Florida Workers' Compensation Insurance Guaranty Association, Inc. (the Association) which comprise the statements of financial position - modified cash basis as of December 31, 2020 and 2019, the related statements of activities and changes in net assets - modified cash basis and statements of functional expenses - modified cash basis for the years then ended, and the related notes to the financial statements.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the modified basis of cash receipts and disbursements described in Note 1; this includes determining that the modified basis of cash receipts and disbursements is an acceptable basis of accounting for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Page Two

### **Opinion**

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets and liabilities arising from cash transactions of Florida Workers' Compensation Insurance Guaranty Association, Inc. as of December 31, 2020 and 2019, and its revenue collected and expenses paid during the years then ended in accordance with the modified basis of cash receipts and disbursements described in Note 1.

### **Basis of Accounting**

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified basis of cash receipts and disbursements, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

*Thomas Howell Ferguson P.A.*

Tallahassee, Florida  
March 8, 2021

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Statements of Financial Position  
- Modified Cash Basis

	December 31,	
	2020	2019
<b>Assets</b>		
Cash and short-term investments:		
Cash and cash equivalents	\$ 27,056,278	\$ 39,279,814
Short-term investments	66,111,053	58,097,280
Total cash and short-term investments	<u>93,167,331</u>	<u>97,377,094</u>
Accrued interest income	299,699	373,582
Investments	56,520,947	39,303,902
Property and equipment, net	926,842	957,259
Total assets	<u><u>\$ 150,914,819</u></u>	<u><u>\$ 138,011,837</u></u>
<b>Liabilities and net assets</b>		
Liabilities	\$ -	\$ -
Net assets:		
Without donor restrictions:		
Statutorily designated	<u>150,914,819</u>	<u>138,011,837</u>
Total net assets	<u>150,914,819</u>	<u>138,011,837</u>
Total liabilities and net assets	<u><u>\$ 150,914,819</u></u>	<u><u>\$ 138,011,837</u></u>

*See accompanying notes.*

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Statements of Activities and Changes in Net Assets  
- Modified Cash Basis

	<b>Years ended December 31,</b>	
	<b>2020</b>	<b>2019</b>
Revenues:		
Investment income, net of related expenses	\$ 1,912,423	\$ 2,511,353
Estate distributions and claim recoveries	3,286,922	40,962,211
Assessments	28,927,363	-
Other income	-	2,584,010
Total revenues	<u>34,126,708</u>	<u>46,057,574</u>
Expenses:		
Claims and claims adjustment expenses paid	20,425,814	36,570,685
Direct estate services	41,928	60,236
General and administrative	755,984	875,305
Total expenses	<u>21,223,726</u>	<u>37,506,226</u>
Change in net assets	12,902,982	8,551,348
Net assets at beginning of year	138,011,837	129,460,489
Net assets at end of year	<u>\$ 150,914,819</u>	<u>\$ 138,011,837</u>

*See accompanying notes.*

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Statement of Functional Expenses  
- Modified Cash Basis

Year ended December 31, 2020

	Claims and Adjustment Expenses Paid	Direct Estate Services	General and Administrative	Total Expenses
Claims and claims adjustment expense	\$ 19,726,130	-	-	\$ 19,726,130
Salaries and benefits	665,187	34,499	358,460	1,058,146
Premises	3,484	-	18,408	21,892
Accounting and auditing	-	2,000	74,965	76,965
Bank fees	-	-	26,007	26,007
Board meeting travel	-	-	239	239
Consulting	-	-	2,807	2,807
Dues and publications	1,229	-	55,053	56,282
Equipment maintenance and software	17,121	-	82,553	99,674
Insurance	6,927	-	44,064	50,991
Legal and legislative fees	2,340	4,973	54,422	61,735
Office supplies	-	-	2,521	2,521
Postage and shipping	-	456	2,685	3,141
Travel and staff development	-	-	5,682	5,682
Taxes and licenses	3,396	-	17,739	21,135
Communication	-	-	10,379	10,379
	<u>\$ 20,425,814</u>	<u>\$ 41,928</u>	<u>\$ 755,984</u>	<u>\$ 21,223,726</u>

See accompanying notes.

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Statement of Functional Expenses  
- Modified Cash Basis

Year ended December 31, 2019

	<b>Claims and Adjustment Expenses Paid</b>	<b>Direct Estate Services</b>	<b>General and Administrative</b>	<b>Total Expenses</b>
Claims and claims adjustment expense	\$ 35,918,010	-	-	\$ 35,918,010
Salaries and benefits	599,605	31,098	448,685	1,079,388
Premises	12,802		7,947	20,749
Accounting and auditing	-	2,000	57,420	59,420
Bank fees	-	-	26,724	26,724
Board meeting travel	-	-	15,438	15,438
Consulting	-	-	72,851	72,851
Dues and publications	1,168	-	51,808	52,976
Equipment maintenance and software	17,698	-	64,611	82,309
Insurance	12,926	-	33,352	46,278
Legal and legislative fees	-	25,253	56,595	81,848
Office supplies	-	-	2,140	2,140
Postage and shipping	-	450	1,970	2,420
Travel and staff development	2,922	1,435	17,959	22,316
Taxes and licenses	-	-	14,460	14,460
Communication	5,554	-	3,345	8,899
	<u>\$ 36,570,685</u>	<u>\$ 60,236</u>	<u>\$ 875,305</u>	<u>\$ 37,506,226</u>

See accompanying notes.



# Florida Workers' Compensation Insurance Guaranty Association, Inc.

## Notes to Financial Statements - Modified Cash Basis

Years ended December 31, 2020 and 2019

### **1. Organization and Significant Accounting Policies**

The Florida Workers' Compensation Insurance Guaranty Association, Inc. (the Association), a not-for-profit corporation, was established pursuant to Chapter 631 of the Florida Statutes. The Association was created to provide a mechanism for the payment of covered workers' compensation claims of insolvent insurers and to assist in the detection and prevention of insurer insolvencies. The Association operates under the supervision and approval of a board of directors, which is comprised of eleven persons, one is the consumer advocate appointed pursuant to Chapter 627.0613, Florida Statutes, one appointed by the Chief Financial Officer of the state of Florida, one appointed by the Governor of the State of Florida, and eight selected by insurance company and self-insurance fund members, and subsequently appointed by the Florida Department of Financial Services.

The Association is managed by the American Guaranty Fund Group (AGFG) through a management and administrative services agreement (see Note 6). AGFG also has an agreement with the Florida Insurance Guaranty Association (FIGA), a related party through common management, for these services. The Association and FIGA are equal members of AGFG, but control is maintained by the members through equal representation on the board of directors.

The members of the Association are all insurers that provide workers' compensation coverages in the state of Florida.

The funding of the Association's activities is provided by distributions from the estates of insolvent insurers and assessments of members. The assessments are levied on insurers writing workers' compensation coverages in the state of Florida and are levied based on a percentage of net direct written premiums for workers' compensation coverages collected during the period specified in the levy. The maximum assessment rate is 2% for insurance companies and self-insurance funds. If assessments are insufficient to satisfy claims and administration costs, then an additional assessment of 1.5% may be levied.

The accounting policies and methods of their application that significantly affect the assets and liabilities arising from cash transactions and changes in the modified cash basis net assets of the Association are as follows:

# Florida Workers' Compensation Insurance Guaranty Association, Inc.

## Notes to Financial Statements - Modified Cash Basis

### 1. Organization and Significant Accounting Policies (continued)

#### **Basis of Accounting**

The financial statements of the Association are prepared on a modified basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America (GAAP). This basis of presentation differs from GAAP in that certain revenues are recognized when received rather than earned and certain expenses are recognized when paid rather than when the obligation is incurred. Specifically, the variances from GAAP include omission of assessments receivable and accruals for loss and loss adjustment expense reserves of insolvent insurance companies and self insurance funds assumed by the Association. Such variances are presumed to be material. However, similar to financial statements prepared in accordance with GAAP, these financial statements reflect the capitalized cost of property and equipment and related depreciation, accrued interest income, and amounts held by the Association for others in a fiduciary capacity. The accompanying financial statements are not intended to present the financial position and results of operations in conformity with accounting principles generally accepted in the United States of America.

#### **Cash and Cash Equivalents**

Cash and cash equivalents consist of deposits with financial institutions and deposits in highly liquid money market funds with original maturities of three months or less. Deposits with financial institutions are insured by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000 per depositor. Bank deposits at times may exceed federally insured limits. The Association has not experienced any losses in such accounts.

#### **Investments**

Investments are reported at amortized cost. Short-term investments include securities with original maturity dates of one year or less.

#### **Concentration of Credit Risk**

The Association's financial instruments exposed to concentrations of credit risk consist primarily of its cash, cash equivalents, short-term investments, investments, and assessment revenue.

All investment transactions have credit exposure to the extent that a counterparty may default on an obligation to the Association. Credit risk is a consequence of carrying investment positions. To manage credit risk, the Association focuses primarily on higher quality, fixed income securities, reviews the credit strength of all entities in which it invests, limits its exposure in any one investment, and monitors portfolio quality, taking into account credit ratings assigned by recognized credit rating organizations.

# Florida Workers' Compensation Insurance Guaranty Association, Inc.

## Notes to Financial Statements - Modified Cash Basis

### 1. Organization and Significant Accounting Policies (continued)

#### Property and Equipment

Property and equipment is stated at cost, net of accumulated depreciation. Depreciation is computed using the straight-line method over the estimated useful lives of the assets that range from three to 39 years. The Association's policy is to capitalize asset acquisitions greater than \$1,000.

#### Net Assets

The Association's modified cash basis net assets represent funds held from assessments, distributions from the estates of insolvent insurers and other sources to pay covered workers' compensation claims of insolvent insurers and administrative costs as they come due.

All net assets of the Association are designated by Chapter 631, Florida Statutes for the organizational purposes described above.

#### Income Taxes

The Association is exempt from federal income taxes under Section 501 of the Internal Revenue Code as a 501(c)(6) organization. The Association elects to pay the proxy tax on lobbying expenditures instead of reporting a portion of member assessments as non-deductible. Income tax expense was \$4,725 and \$1,575 for the years ending December 31, 2020 and 2019, respectively. With few exceptions, the Association is no longer subject to examinations by major tax jurisdictions for years ended December 31, 2016 and prior.

#### Assessments

Assessments are recorded at the time they are received by the Association.

The Association's Board of Directors certified the need for a 1% assessment on its member insurers at its June 18, 2019 meeting. The Florida Office of Insurance Regulation issued a 1% assessment levy on all new and existing renewal policies with effective dates beginning January 1, 2020 through December 31, 2020. Assessments will be due to the Association quarterly after applying and collecting a 1% surcharge to all workers' compensation and excess workers' compensation policies.

#### Estate Distributions and Claim Recoveries

Amounts received by the Association for estate distributions and claim recoveries are recognized in the period received. Estate distributions and claim recoveries include reinsurance recoveries by the receivers, direct claim recoveries, and any other distribution of estate assets.

# Florida Workers' Compensation Insurance Guaranty Association, Inc.

## Notes to Financial Statements - Modified Cash Basis

### **1. Organization and Significant Accounting Policies (continued)**

#### **Claims and Claims Adjustment Expenses Paid**

Claims and claims adjustment expenses paid consist of amounts paid on claims of insolvent insurers.

#### **Direct Estate Services**

Direct estate expenses are expenses incurred by the Association related directly to the protection of the Association's interest in the administration of specific insolvent insurers' estates.

#### **General and Administrative Expenses**

The Association records general and administrative expenses when paid.

#### **Functional Allocation of Expenses**

The cost of providing the various programs and other activities have been summarized on a functional basis in the statement of activities. The statement of functional expenses presents the natural classification detail of expenses by function. The statement of functional expenses contains certain categories of expenses that are attributable to one or more programs or supporting functions of the Association. These expenses include depreciation, which is allocated on a direct method for assets directly related to the program and allocated based on estimates of time and effort for assets acquired for all departments. The Association's executive office expenses, including salaries of senior management, are all allocated based on estimates of time and effort.

#### **Subsequent Events**

The Association has evaluated subsequent events through March 8, 2021, the date the financial statements were available to be issued. During the period from December 31, 2020 to March 8, 2021, the Association did not have any material recognizable subsequent events.

#### **Reclassification**

Certain prior year amounts have been reclassified to conform to the current year presentation.

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Notes to Financial Statements - Modified Cash Basis

**2. Investments**

The Association invests in government and corporate bonds, commercial paper, and other fixed maturity obligations. The fair values of investments are estimated based on their quoted market values for the specific investments. The amortized cost and fair value of these investments are as follows:

	<u>December 31, 2020</u>	
	<u>Amortized</u>	
	<u>Cost</u>	<u>Fair Value</u>
U.S. Treasury notes	\$ 65,440,314	\$ 65,848,533
U.S. Government agency obligations	9,814,147	9,831,090
U.S. Government Mortgage-Backed Security	1,410,025	1,445,074
U.S. Government collateralized mortgage obligations	8,249,556	8,307,368
Corporate bonds	16,759,835	16,916,241
Commercial paper	20,583,123	20,583,239
Municipal obligations	<u>375,000</u>	<u>380,531</u>
	122,632,000	123,312,076
Less short-term investments	<u>66,111,053</u>	<u>66,238,160</u>
Investments	<u>\$ 56,520,947</u>	<u>\$ 57,073,916</u>

	<u>December 31, 2019</u>	
	<u>Amortized</u>	
	<u>Cost</u>	<u>Fair Value</u>
U.S. Treasury notes	\$ 63,859,674	\$ 64,170,091
U.S. Government agency obligations	998,488	992,529
U.S. Government Mortgage-Backed Security	6,504,485	6,505,796
U.S. Government collateralized mortgage obligations	1,681,956	1,675,633
Corporate bonds	20,383,737	20,531,275
Commercial paper	<u>3,972,842</u>	<u>3,977,003</u>
	97,401,182	97,852,327
Less short-term investments	<u>58,097,280</u>	<u>58,183,252</u>
Investments	<u>\$ 39,303,902</u>	<u>\$ 39,669,075</u>

# Florida Workers' Compensation Insurance Guaranty Association, Inc.

## Notes to Financial Statements - Modified Cash Basis

### 2. Investments (continued)

A summary of the amortized cost and fair value of the Association's bonds and other investments at December 31, 2020, by maturity is as follows:

	<u>Amortized Cost</u>	<u>Fair Value</u>
Due in one year or less	\$ 66,111,053	\$ 66,238,160
Due after one year through five years	56,520,947	57,073,916
Due after five years through ten years	-	-
Due after ten years	-	-
Total	<u>\$ 122,632,000</u>	<u>\$ 123,312,076</u>

The foregoing data is based on the expected maturities for bonds. These expected maturities might differ from the contractual maturities because certain borrowers have the right to call or prepay obligations with or without call or prepayment penalties.

Investment income consists of interest income and net realized gains (losses) and is reported net of investment management expenses of \$83,319 and \$81,060 for the years ended December 31, 2020 and 2019, respectively. Net realized gains for the years ended December 31, 2020 and 2019 were \$3,863 and \$222,153, respectively.

### 3. Fair Value Measurements

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Financial assets and liabilities carried at fair value are classified and disclosed in one of the following three categories:

- Level 1: Quoted market prices in active markets for identical assets or liabilities.
- Level 2: Observable market-based inputs or unobservable inputs that are corroborated by market data.
- Level 3: Unobservable inputs that are not corroborated by market data.

The Association utilizes valuation techniques that maximize the use of observable inputs and minimize the use of unobservable inputs.

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Notes to Financial Statements - Modified Cash Basis

**3. Fair Value Measurements (continued)**

The tables below present the balances of assets measured at fair value on a recurring basis.

	<b>December 31, 2020</b>			
	<b>Total</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
U.S. Government and government agency bonds	\$ 75,679,623	\$ -	\$ 75,679,623	\$ -
Mortgage-backed and collateralized mortgage obligations	9,752,442	-	9,752,442	-
Corporate bonds	16,916,241	-	16,916,241	-
Commercial paper	20,583,239	-	20,583,239	-
Municipal obligations	<u>380,531</u>	<u>-</u>	<u>380,531</u>	<u>-</u>
	<u>\$ 123,312,076</u>	<u>\$ -</u>	<u>\$ 123,312,076</u>	<u>\$ -</u>

  

	<b>December 31, 2019</b>			
	<b>Total</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
U.S. Government and government agency bonds	\$ 65,161,174	\$ -	\$ 65,161,174	\$ -
Mortgage-backed and collateralized mortgage obligations	8,181,429	-	8,181,429	-
Corporate bonds	20,531,275	-	20,531,275	-
Municipal obligations	<u>3,976,644</u>	<u>-</u>	<u>3,976,644</u>	<u>-</u>
	<u>\$ 97,850,522</u>	<u>\$ -</u>	<u>\$ 97,850,522</u>	<u>\$ -</u>

Fair values of the Association's debt securities (bonds) reported in Level 2 are based on average bid prices of identical or similar issues with the same life and expected yields. There have been no changes in the methodologies used at December 31, 2020 and 2019.

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Notes to Financial Statements - Modified Cash Basis

**4. Available Resources and Liquidity**

The Association's modified cash basis net assets represent funds held from assessments and other sources to pay covered workers' compensation claims of insolvent insurers, to monitor the administration of insolvent insurer estates and take actions as necessary to protect the Association's interests, and to assist in the detection and prevention of insurer insolvencies. As such, net assets are designated by Florida Statutes.

<b>Financial assets at year end:</b>	<u>2020</u>	<u>2019</u>
Cash and cash equivalents	\$ 27,056,278	\$ 39,279,814
Investments	122,632,000	97,401,182
Accrued interest receivable	<u>299,699</u>	<u>373,582</u>
Financial assets available for statutorily designated use	<u>\$ 149,987,977</u>	<u>\$ 137,054,578</u>

**5. Property and Equipment**

Property and equipment consists of the following:

	<b>December 31,</b>	
	<u>2020</u>	<u>2019</u>
Land	\$ 310,000	\$ 310,000
Building	883,463	883,463
Office furniture and equipment	25,749	25,749
Computer equipment and software	200,867	202,141
Leasehold improvements	<u>124,804</u>	<u>124,804</u>
	1,544,883	1,546,157
Less accumulated depreciation	<u>618,041</u>	<u>588,898</u>
	<u>\$ 926,842</u>	<u>\$ 957,259</u>

Depreciation and amortization expense totaled \$39,950 and \$37,064 for the years ended December 31, 2020 and 2019, respectively.

The Association and FIGA are the owners of real property together with certain tangible property. The Association owns an undivided 50% interest in the property which is reported above as land and building.



# Florida Workers' Compensation Insurance Guaranty Association, Inc.

## Notes to Financial Statements - Modified Cash Basis

### **6. Administrative and Service Company Agreements**

The Association and FIGA have entered into agreements with AGFG to provide management and administrative services. Under the terms of the Association's agreement, AGFG provides management and administrative services, including but not limited to general management responsibility, finance and accounting, overseeing and managing the Association's claims division, managing and supervising the day to day activities of the Association, and other management or administrative services. The Association and FIGA reimburse AGFG for all amounts paid by AGFG. Costs incurred by AGFG that are directly attributable to a specific entity are charged to the applicable entity. All other costs incurred by AGFG are distributed equitably to the Association and FIGA based on various allocation methods. The Association's contract may be terminated with 30 days written notice by either party, with or without cause. The Association and FIGA each pay AGFG in advance of each calendar year an amount equal to the two month average budget for that entity projected for the upcoming calendar year. The operating advance paid to AGFG was \$173,815 and \$200,152 at December 31, 2020 and 2019, respectively.

Amounts paid to AGFG under this agreement totaled \$1,623,917 and \$1,929,502 for the years ended December 31, 2020 and 2019, respectively, and are reported in general and administrative expenses, claims and claims adjustment expenses, and direct estate expenses.

### **7. Commitments**

As more fully described in Note 1, the Association has assumed the outstanding claims and claims adjustment expense liabilities of insolvent workers' compensation insurers in the state of Florida. The case-basis claims and claims adjustment expense reserves for known insolvent insurers at December 31, 2020 and 2019, are approximately \$160,000,000 and \$191,000,000, respectively. An actuarial determination of the ultimate value of the outstanding claim liabilities has not been made.

The Association and its predecessors have received early access distributions from the receivers of insolvent insurers. Some of these distributions were received pursuant to agreements that provide that in the event the distributions exceed the Association's final pro rata distribution from the insolvencies, the Association will return any excess to the receiver.

During the ordinary course of business, the Association is involved in various litigation. The ultimate outcome of such litigation is uncertain. However, management and legal counsel are of the opinion that any resulting unfavorable outcomes would have minimal adverse economic impact on the Association.

Florida Workers' Compensation Insurance Guaranty Association, Inc.

Notes to Financial Statements - Modified Cash Basis

**8. Retirement Plan**

The Association employees have the option of participating in the AGFG 401(k) Profit Sharing Plan (the Plan). The Plan is available to employees meeting certain entry requirements. The Association makes discretionary employer contributions to the Plan on a matching basis. Employer contributions paid for the years ended December 31, 2020 and 2019, were \$80,576 and \$72,136, respectively.