Senator Flores moved the following:

**Senate Amendment (with title amendment)**

Between lines 1468 and 1469

insert:

Section 11. Motor vehicle insurance rate rollback.—

(1) The Office of Insurance Regulation shall order insurers writing personal injury protection insurance in this state to make a rate filing before October 1, 2012, and effective January 1, 2013, which reduces rates for such insurance by a factor that reflects the expected effect of the changes contained in this act. In the absence of clear and convincing evidence to the contrary, it shall be presumed that the expected impact of the act will result in at least a 25 percent reduction in the rates
in effect for such insurance on December 31, 2012. In lieu of making the rate filing required in this subsection, an insurer may, upon notification to the office, implement a 25 percent reduction of its rates, effective January 1, 2013.

(2) An insurer or rating organization that contends in the January 1, 2013, rate filing or any subsequent rate filing made on or before December 31, 2018, that the presumed reduced rate provided for in subsection (1) is excessive, inadequate, or unfairly discriminatory shall separately state in its filing the rate it contends is appropriate and shall state with specificity the factors or data that it contends should be considered in order to produce such appropriate rate. The insurer or rating organization shall be permitted to use all of the generally accepted actuarial techniques, as provided in s. 627.062, Florida Statutes, in making any filing pursuant to this subsection. The Office of Insurance Regulation shall review each exception and approve or disapprove it prior to use. It shall be the insurer’s burden to actuarially justify by clear and convincing evidence any deviation that results in a rate that is higher than the presumed reduced rate as provided in subsection (1).

(3) If any provision of this act is held invalid by a court of competent jurisdiction, the Office of Insurance Regulation shall permit an adjustment of all rates filed under this section to reflect the impact of such holding on such rates so as to ensure that the rates are not excessive, inadequate, or unfairly discriminatory.
And the title is amended as follows:

Delete line 92

and insert:

cross-reference; requiring personal injury protection
motor vehicle insurers to file rates with the Office
of Insurance Regulation for review under certain
circumstances; specifying a presumption with regard to
rates for personal injury protection motor vehicle
insurance; requiring that the Office of