

Bill No. CS for SB 2-D

Amendment No. \_\_\_\_ Barcode 632718

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

WD/2R  
08/13/2003 11:06 AM

.  
. .  
. .  
. .  
. .  
. .

Senator Campbell moved the following amendment:

**Senate Amendment (with title amendment)**

On page 93, line 21, through  
page 95, line 27, delete those lines

and insert:

(8)(a) No later than 60 days after the effective date of medical malpractice legislation enacted during the 2003 Special Session D of the Legislature, the office shall calculate a presumed factor that reflects the impact that the changes contained in such legislation will have on rates for medical malpractice insurance and shall issue a notice informing all insurers writing medical malpractice coverage of this presumed factor. In determining the presumed factor, the office shall use generally accepted actuarial techniques and standards provided in this section in determining the expected impact on losses, expenses, and investment income of the insurer.

(b) For any coverage for medical malpractice insurance subject to this chapter issued or renewed on or after

Bill No. CS for SB 2-D

Amendment No. \_\_\_\_ Barcode 632718

1 September 1, 2003, every insurer shall reduce its rates to  
2 levels that are at least 20 percent less than the rates for  
3 the same coverage that were in effect on January 1, 2001.

4 (c) Notwithstanding any provision of law to the  
5 contrary, between September 15, 2003, and September 15, 2004,  
6 rates reduced pursuant to paragraph (b) may be increased only  
7 if the director of the Office of Insurance Regulation finds,  
8 after a hearing, that an insurer or self-insurer or the  
9 Florida Medical Malpractice Joint Underwriting Association is  
10 unable to earn a fair rate of return, taking into  
11 consideration a presumed factor reflecting the impact on  
12 medical malpractice rates calculated by the Office of  
13 Insurance Regulation.

14 (d) Commencing September 15, 2003, insurance rates for  
15 medical malpractice subject to this chapter must be approved  
16 by the director of the Office of Insurance Regulation prior to  
17 being used.

18 (e) Any separate affiliate of an insurer is subject to  
19 this section.

20 (f) The calculation and notice by the office of the  
21 presumed factor pursuant to paragraph (a) is not an order or  
22 rule that is subject to chapter 120. If the office enters into  
23 a contract with an independent consultant to assist the office  
24 in calculating the presumed factor, such contract is not  
25 subject to the competitive solicitation requirements of s.  
26 287.057.

27  
28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 9, lines 23 to 26, delete those lines

Bill No. CS for SB 2-D

Amendment No. \_\_\_\_ Barcode 632718

1 and insert:

2           requiring a medical malpractice insurance rate  
3           rollback; providing for subsequent increases  
4           under certain circumstances; requiring approval  
5           for use of certain medical malpractice  
6           insurance rates;

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31