

Bill No. CS for SB 2-D

Amendment No. ____ Barcode 705662

CHAMBER ACTION

Senate

House

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Senators Argenziano and Bennett 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) Rates for medical malpractice insurance approved on or before July 1, 2003, shall remain in effect until the effective date of a new rate filing approved under this subsection.

(b) Within 60 days after the effective date of medical malpractice legislation enacted in the 2003 Special Session D of the Florida Legislature, each insurer writing medical malpractice coverage in this state shall submit to the office a rate filing for medical malpractice insurance, which will take effect no later than January 1, 2004, and apply retroactively to policies issued or renewed on or after the effective date of such legislation. Except as authorized under paragraph (c), the filing shall reduce the rates and premiums to levels 20 percent below the rates and premiums in effect on

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1 July 1, 2003. With respect to policies issued on or after the
2 effective date of such legislation and prior to the effective
3 date of the rate filing required by this subsection, the
4 office shall order the insurer to make a refund of the amount
5 that was charged in excess of the rate that is approved.

6 (c) Any insurer or rating organization that contends
7 that the rate provided for in paragraph (b) is excessive,
8 inadequate, or unfairly discriminatory shall separately state
9 in its filing the rate it contends is appropriate and shall
10 state with specificity the factors or data that it contends
11 should be considered in order to produce such appropriate
12 rate. The insurer or rating organization shall be permitted to
13 use all of the generally accepted actuarial techniques
14 provided in this section in making any filing pursuant to this
15 subsection. The office shall review each such exception and
16 approve or disapprove it prior to use. It shall be the
17 insurer's burden to actuarially justify any deviations from
18 the rates required to be filed under paragraph (b). The
19 insurer making a filing under this paragraph shall include in
20 the filing the expected impact of medical malpractice
21 legislation enacted during the 2003 Special Session D of the
22 Florida Legislature on losses, expenses, and rates.

23 (d) The rate filing required to be made by this
24 subsection, including any deviation approved by the office,
25 shall apply to policies issued or renewed on or after the
26 effective date of this act and prior to January 1, 2005.

27 (e) If any provision of medical malpractice
28 legislation enacted during the 2003 Special Session D of the
29 Florida Legislature is held invalid by a court of competent
30 jurisdiction, the office shall permit an adjustment of all
31 medical malpractice rates filed under this section to reflect

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1 the impact of such holding on such rates so as to ensure that
2 the rates are not excessive, inadequate, or unfairly
3 discriminatory.

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

7 And the title is amended as follows:

8 On page 9, lines 19-24, delete those lines
9

10 and insert:

11 provider's loss experience; requiring medical
12 malpractice insurers to make a rate filing that
13 reduces rates to a specified amount; allowing
14 for

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