

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Ambler offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 74 and 75, insert:

5 Section 2. (1) The Office of Insurance Regulation shall  
6 order insurers writing any kind of liability insurance in this  
7 state, including professional malpractice insurance, to make a  
8 rate filing effective January 1, 2007, which reduces rates for  
9 such insurance by a factor that reflects the expected impact of  
10 the changes contained in this act. In the absence of clear and  
11 convincing evidence to the contrary, it is presumed that the  
12 expected impact of the act will result in at least a 10 percent  
13 reduction in the rates in effect for such insurance on December  
14 31, 2006. In lieu of making the rate filing required in this  
15 subsection, an insurer, upon notification to the Office of  
16 Insurance Regulation, may implement a 10 percent reduction of  
17 its rates, effective January 1, 2007.

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18       (2) Any insurer or rating organization that contends in  
19 the January 1, 2007, rate filing or any subsequent rate filing  
20 made on or before December 31, 2012, that the presumed reduced  
21 rate provided for in subsection (1) is excessive, inadequate, or  
22 unfairly discriminatory shall separately state in the rate  
23 filing the rate the insurer or rating organization contends is  
24 appropriate and shall state with specificity the factors or data  
25 that the insurer or rating organization contends should be  
26 considered in order to produce such appropriate rate. The  
27 insurer or rating organization shall be permitted to use all of  
28 the generally accepted actuarial techniques as provided in s.  
29 627.062, Florida Statutes, in making any filing pursuant to this  
30 subsection. The office shall review each such contended  
31 appropriate rate and approve or disapprove such rate prior to  
32 use. It is the insurer's burden to actuarially justify by clear  
33 and convincing evidence any deviation which results in a rate  
34 that is higher than the presumed reduced rate as provided for in  
35 subsection (1).

36       (3) If any provision of this section is held invalid by a  
37 court of competent jurisdiction, the office shall permit an  
38 adjustment of all rates filed under this section to reflect the  
39 impact of such holding on such rates, so as to ensure that the  
40 rates are not excessive, inadequate, or unfairly discriminatory.

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42  
43 ===== T I T L E   A M E N D M E N T =====

44       Remove line 5 and insert:

45       instead of joint and several liability; requiring liability  
46       insurers to file certain reduced rate filings with the Office of  
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47 | Insurance Regulation for review under certain circumstances;  
48 | authorizing liability insurers to file alternative rates under  
49 | certain circumstances; authorizing the Office of Insurance  
50 | Regulation to permit certain rate adjustments under certain  
51 | circumstances; providing