

Bill No. HB 145

Barcode 900606

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

Between lines 74 and 75,

insert:

Section 2. (1) The Office of Insurance Regulation shall order insurers writing any kind of liability insurance in this state, including professional malpractice insurance, to make a rate filing effective January 1, 2007, which reduces rates for such insurance by a factor that reflects the expected impact 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 10-percent reduction in the rates in effect for such insurance on December 31, 2006. An insurer may, in lieu of making the rate filing required in this subsection, upon notification to the Office of Insurance Regulation, implement a 10-percent reduction of its rates, effective January 1, 2007.

(2) Any insurer or rating organization that states in

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1 the rate filing made on January 1, 2007, or any subsequent
2 rate filing made on or before December 31, 2012, that the
3 presumed reduced rate provided for in subsection (1) is
4 excessive, inadequate, or unfairly discriminatory shall
5 separately state in its filing the rate it believes is
6 appropriate and shall state with specificity the factors or
7 data that it contends should be considered in order to produce
8 such appropriate rate. The insurer or rating organization may
9 use all of the generally accepted actuarial techniques, as
10 provided in s. 627.062, Florida Statutes, in making any filing
11 under this subsection. The Office of Insurance Regulation
12 shall review each such exception and approve or disapprove it
13 prior to its use. The insurer has the burden to actuarially
14 justify by clear and convincing evidence any deviation that
15 results in a rate that is higher than the presumed reduced
16 rate as provided for in subsection (1).

17 (3) If any provision of this act is held invalid by a
18 court of competent jurisdiction, the Office of Insurance
19 Regulation shall permit an adjustment of all rates filed under
20 this section to reflect the effect of such holding on such
21 rates, so as to ensure that the rates are not excessive,
22 inadequate, or unfairly discriminatory.

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24 (Redesignate subsequent sections.)

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

28 And the title is amended as follows:

29 On line 6, after the semicolon,

30
31 insert:

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1 requiring liability insurers to file rates with
2 the Office of Insurance Regulation for review
3 under certain circumstances; creating a
4 presumption that liability insurance rates will
5 be reduced by a specific percentage; providing
6 procedures for insurers to contest the presumed
7 rate reduction; authorizing the Office of
8 Insurance Regulation to adjust liability
9 insurance rates under certain circumstances;

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